The City Council of the City of Raleigh met in regular meeting on Tuesday, June 19, 1984, at 1:00 p.m. in the City Council Chamber of the Municipal Building, 222 West Hargett Street, with the following present:

Mayor Upchurch, Presiding
Ms. Babb
Mrs. Block
Mr. Calloway
Mrs. Cates
Mr. Congleton
Mr. Keller
Mr. Walters

Mayor Upchurch called the meeting to order and invocation was rendered by the Pastor Susanna Helms of Saint James United Methodist Church, after which the following matters were discussed with action taken as shown.

RECOGNITION OF SPECIAL AWARDS

PROCLAMATION - HIRE THE VETERAN WEEK - PROCLAIMED

Mayor Upchurch read a proclamation proclaiming the week June 24-30, 1984, as Hire a Vet Week in the City of Raleigh. The proclamation was received by Ralph Nevils and Barbara Duncan, both of the Employment Security Commission.

VOLUNTEER OF THE MONTH - CAROLE SAWICKI HONORED

Mayor Upchurch explained the Volunteer of the Month Program and presented a certificate recognizing Carole Sawicki as Volunteer of the Month. He briefly outlined some of Ms. Sawicki's activities including being a member of the Parks and Recreation Advisory Board/Master Plan Committee of Shelley Sertoma, etc. In accepting the certificate, Ms. Sawicki reminded the Council of the Run for the Oaks Program and expressed appreciation to various people - Thurston Hicks, Stoney Chance, April Pickett, Robin Price, Betsy Hinnant, Gail Smith, Brenda Anderson, Paulette Barnes, Ann Adams, John Hoppie, Frank Evans, Sarah Wilson, and Dee McLamb pointing out without people like these, volunteers would not be able to be as helpful as they like.

CERTIFICATES OF APPOINTMENT - PRESENTED

Mayor Upchurch explained the Certificate of Appointment presentation and presented the following certificates: Arts Commission - Martha Keravouri; Civic Center Authority - Mary Ellen Hill, Gail Perry, Bill Phillips, Jim Ramsey, and Odell Watson; Historic Properties Commission - Margie Haywood, Mary Ellen Hill, Maude Morrow, Julius Nimmons, and Ardath Weaver; Planning Commission - Hal McNeely; Sister City Ad Hoc Committee - JoAn Godwin, Thelma Rountree, Millie Schecter, Charles Shields, and William J. Block.

CONSENT AGENDA

Mayor Upchurch presented the Consent Agenda indicating all items are considered to be routine and may be enacted by one motion. He stated if a Councillor requests discussion on an item, the item would be removed from the Consent Agenda and considered separately. The vote on the Consent Agenda would be a roll call vote. No one asked to pull an item from the Consent Agenda. Mrs. Cates moved that Administration's recommendation on the items on the Consent Agenda be upheld. Her motion was seconded by Mr. Calloway and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

The items on the Consent Agenda were as follows:

PRIVILEGE LICENSE - VARIOUS LOCATIONS - APPROVED

This is a privilege license application for the "Moonview Supper Club, Inc.," located at 1607 Curtis Drive. The manager, William Phillip Watson, is the individual making application. City Code Sections 2-2032 (2), (3), (5), and 12-2118(2) requires City Council approval before a license may be issued for a dance hall, private club with live entertainment, classified as a class one entertainment center. Police and Inspections reports indicate approval.

Recommendation: Administration recommends approval of this privilege license application.

This is a privilege license application for the "Holiday Inn North (Syd's)," located at 2815 North Boulevard. The manager, Charles B. Renfroe, Jr., is the individual making application. City Code Sections 2-2032(2), (3), (5), and 12-2118 (3) require City Council approval before a license may be issued for a dance hall, public club with live entertainment, classified as a class two entertainment center. Police and Inspections reports indicate approval.

Recommendation: Administration recommends approval of this privilege license application.

Consent Agenda approval - Cates/Calloway - 8 ayes.

REFUNDING BOND ESCROW PAYMENTS - BUDGET AMENDMENT AUTHORIZED

In keeping with previous discussions with Council regarding funding of the escrow account for the Advance Refunding Bond Issue, it is appropriate that Council approve budget amendments allowing the payment of the City's cash share. The total cash requirement is $3,008,810. Of that amount, $151,117 will be returned to the City in the form of accrued interest on the bond proceeds upon settlement resulting in an actual net requirement of $2,857,693. Since the cash requirement is for both Water Bonds and Recreational Facilities Bonds, two sources of funding are necessary. The Utility Operating Fund should provide $2,571,523 and the General Fund should provide $437,287.

It should be kept in mind that this provision of cash to be paid on June 28 is to be offset by reduced debt service on July 1st following. This action will provide for payment to the escrow as the necessary part of this program. The Agenda outlined the proposed amendment.

Recommendation: It is recommended that the budget amendment be approved.

Consent Agenda approval - Cates/Calloway - 8 ayes.

ORDINANCE NO. (1984) - 360

AN ORDINANCE TO AMEND THE 1983/1984 BUDGET ORDINANCE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the 1983/1984 Budget be amended as follows the City's cash share for Advance Refunding Bond Issue - escrow account:

UTILITY FUND

Revenue:		
06-1-0090-0220	Appropriated Operating Reserve	$2,571,523
Expenditure:		
06-2-7100-0912	Appropriated to Refunding Escrow	$2,571,523

GENERAL FUND

Revenues:		
01-1-0090-0220	Appropriated Operating Reserve	$ 437,287
Expenditures:		
01-2-1040-0904	Appropriated to Refunding Escrow	$ 437,287

Adopted: 6/19/84

REZONING HEARINGS - SCHEDULED FOR JULY 17 AND 19

The Planning Department received, on the deadline of May 31, 1984, some twenty-five requests for rezoning, in addition to at least two text changes.

Recommendation: Because of this large number of cases, it is recommended that the City Council hold one public hearing on July 17, 1984, and another hearing on July 19, 1984; that both hearings be held at 6:30 p.m.; and that the City Council tour be scheduled for Wednesday, July 11, at 8:00 a.m., unless there is some conflict with this normal time.

Consent Agenda approval - Cates/Calloway - 8 ayes.

FIRE DISTRICT CONTRACT - SUNNYBROOK ROAD AREA - APPROVED

Pursuant to statutory authority, the City has in prior years taxed the "Raleigh Fire District" at a special tax rate of $.20 as provided in a formal resolution adopted December 13, 1977, by Wake County and concurred in by the Raleigh City Council. The estimated tax base taxed is $500,000 which generated tax revenues of $1,000. The County has estimated this tax district to have a revalued value of $1,000,000 and, consequently, it would be appropriate for the Council to amend the fire district tax rate to become $.10 per $100 of assessed value. While this may not be precise, it is not materially misstated in view of the limited tax resource. Only 23 property owners are in this district located on Poole Road at Sunnybrook Road.

Recommendation: It is recommended that the revised tax rate of $.10 be established for this fire district.

Consent Agenda approval - Cates/Calloway - 8 ayes.

ENCROACHMENT AGREEMENT - CP&L/BRAGG STREET HOUSING SITE - APPROVED

It is necessary to execute an agreement with CP&L to allow access onto the Bragg Street site to install and maintain electrical lines and equipment necessary to serve this site.

Recommendation: It is recommended that the agreement be approved in order to allow the housing construction project to commence.

Consent Agenda approval - Cates/Calloway - 8 ayes.

FAIR HOUSING ASSISTANCE GRANT - BUDGET ADJUSTMENT - AUTHORIZED

The City Council authorized participation for the City in the third year of the Fair Housing Assistance Program on July 5, 1983. The third year of the program provides funds for the Fair Housing Office of the Human Resources Department based on $500.00 per complaint investigated. The grant also provides $1,300 for design and participation in a HUD sponsored training module. A budget of $4,800 is being requested. This is based on a projection of seven complaints plus the training funds. Funds for the second year's grant are nearing exhaustion, therefore, it is requested that the budget for the third year funds be authorized. It is requested that the following grant budget be authorized:

Salaries	$1,848.00
Fringes	130.00
Travel	2,000.00
Supplies	822.00
TOTAL	$4,800.00

Recommendation: It is recommended that the budget amendment be approved.

Consent Agenda approval - Cates/Calloway - 8 ayes.

ORDINANCE NO. (1984) - 361

AN ORDINANCE TO AMEND THE 1983/1984 BUDGET ORDINANCE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the 83/84 grants fund appropriations be increased to reflect the 3rd year participation in the Fair Housing Assistance Program as follows:

Revenue:		
02-1-2020-0100	HUD-Fair Housing	$4,800.00
Expenditures:		
02-2-2020-0000	3rd Year-Fair Housing	$ -0-
02-2-2020-0100	Salaries	1,848.00
02-2-2020-0101	Fringe Costs	130.00
02-2-2020-0231	Travel	2,000.00
02-2-2020-0260	Supplies	822.00
	Total	$4,800.00

Adopted: 6/19/84

GRASSROOTS ARTS PROGRAM - 1984-85 - PROJECTS APPROVED - ORDINANCE ADOPTED

The Arts Commission has been designated to review and recommend Arts projects to be financed from funds made available from the State Grassroots Arts Program. The Arts Commission has reviewed proposals and a copy of their recommendations was in the Council Members' Agenda packets.

Recommendation: It is recommended that the City Council approve the Arts grants projects as proposed by the Arts Commission.

Consent Agenda approval - Cates/Calloway - 8 ayes.

ORDINANCE NO. (1984) - 369A

AN ORDINANCE TO AMEND THE 1983/1984 BUDGET ORDINANCE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH

Section 1. That the 83/84 budget appropriations be increased to reflect acceptance of the 84/85 Grassroots Arts Program as follows:

Revenue:	02-1-1630-0100	Grassroots Arts (84/85)	$44,441.00
Expense:	02-2-1630-0000	84/85 Grassroots Arts	$ -0-
	02-2-1630-0301	ArtsPlosure	5,000.00
	02-2-1630-0302	Estey Hall	1,200.00
	02-2-1630-0303	Wake Public Schools	2,232.00
	02-2-1630-0304	NCSU Center Stage	2,850.00
	02-2-1630-0305	Creative Exchange-A	6,750.00

Expense:	02-2-1630-0306	Creative Exchange-B	$ 3,550.00
	02-2-1630-0307	Wake Forest Arts	696.00
	02-2-1630-0308	Wake County Library	2,080.00
	02-2-1630-0309	Raleigh Aratorio Society	1,600.00
	02-2-1630-0310	City Art Gallery	5,000.00
	02-2-1630-0311	Raleigh-Wake Symphony	3,000.00
	02-2-1630-0312	Easy Moving Company	3,200.00
	02-2-1630-0313	Raleigh Chamber Music Guild	2,000.00
	02-2-1630-0314	Raleigh Arts Commission	3,950.00
	02-2-1630-0320	3% - City of Raleigh	1,333.00
		Total	$44,441.00

Adopted: 6/19/84

MEDICAL PROFESSIONAL SERVICES AGREEMENT - DOUGLAS I. HAMMER, M.D. - APPROVED

The City retains the service of Douglas I. Hammer, M.D., to oversee the City's Health Center and an annual agreement is executed to provide for this work. A copy of the agreement was in the Council Members' Agenda packets. It is the same as in prior years with an annual fee of $10,008 which is in the proposed budget. The agreement extends from July 1, 1984, to June 30, 1985.

Recommendation: It is recommended that this agreement be approved.

Consent Agenda approval - Cates/Calloway - 8 ayes.

MILLBROOK ROAD EXTENSION - PROPERTY TRANSFER - RESOLUTION OF INTENT ADOPTED

The City has worked closely with North Boulevard Industrial Park Limited to obtain the right-of-way for the realignment of Millbrook Road east of Wake Forest Road. NBIP has provided most of the property without cost to the City. In acquiring one parcel, a residual exists after the right-of-way is provided. It is desired that an exchange of property be made to dispose of the unrequired residue and obtain a final parcel needed for that project.

Included in the Council Members' Agenda packets was a proposed Resolution of Intent to exchange property. City Attorney McCormick presented a corrected property description.

Recommendation: It is recommended that the Resolution of Intent be adopted by the City Council.

Consent Agenda approval - Cates/Calloway - 8 ayes.

RESOLUTION (1984) - 551

RESOLUTION OF INTENT TO
EXCHANGE REAL PROPERTY

WHEREAS, the City has recently acquired property for the extension and expansion of the Millbrook Road thoroughfare; and

WHEREAS, there remains a residue parcel associated with this purchase which is not now or in the future needed for City street or other public purposes; and

WHEREAS, North Boulevard Industrial Park, Ltd., desires to acquire this residue parcel and is willing to exchange for this property a parcel of equivalent value.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH AS FOLLOWS:

Section 1. Pursuant to G.S. 160A-271, the City Council intends to convey to North Boulevard Industrial Park, Ltd., the parcel described in Exhibit A, attached and incorporated hereinto, and to receive in exchange for such parcel that property presently owned by North Boulevard Industrial Park, Ltd., and described in Exhibit B, attached and incorporated hereinto.

Section 2. The estimated value of each of these parcels is $12,000.00, and it is hereby found that the City will receive full and fair value in exchange for its property.

Section 3. The City Clerk is directed to immediately publish this Resolution in accordance with G. S. 160A-271. Thereafter, at the next regularly scheduled Council Meeting, it is the intention of the City Council to effectuate the exchange of these properties.

Adopted: 6/19/84

Effective: 6/19/84

EXHIBITS "A" AND "B"

PROPOSED PROPERTY EXCHANGE

RIGHT-OF-WAY DESCRIPTIONS

A. R/W REQUIRED FROM AMY POOLE

Beginning at a point, said point being in the eastern R/W line of Wake Forest Road and being 162.52 feet from the intersection of the northern R/W line of Second Street and the eastern R/W line of Wake Forest Road; thence north 28 degrees, 55 minutes, 41 seconds east 55.03 feet to a point; thence south 68 degrees, 26 minutes, 00 seconds east 84.80 feet to a point; thence south 19 degrees, 46 minutes, 38 seconds west 19.78 feet to a point; thence north 89 degrees, 03 minutes, 30 seconds west 98.78 feet to the point and place of beginning. Further reference is made to a map prepared by the City of Raleigh Department of Central Engineering entitled, "Millbrook Road Right-of-Way Acquisition Wake Forest Road to existing Millbrook Road" dated 10/17/83 and recorded in Book 1983, Page 1399, of the Wake County Registry.

B. R/W ACQUIRED FROM BLUE RIDGE STONE COMPANY - (HATHCOCK)

Beginning at a point, said point being a common southwest corner between the property of Blue Ridge Stone Company and that of Milton and Ruth Croom; thence north 18 degrees, 00 minutes, 00 seconds east 52.06 feet to a point; thence north 20 degrees, 28 minutes, 11 seconds east 5.62 feet to a point; thence easterly along an arc length having a radius of 693.28 feet a distance of 6.31 feet to a point on tangent; thence south 66 degrees, 47 minutes, 54 seconds east 94.65 feet to a point in the western right-of-way line of Seaboard System Railroad, Inc.; thence along said Railroad right-of-way line south 19 degrees, 03 minutes, 10 seconds west 40.52 feet to a point; thence south 18 degrees, 34 minutes, 30 seconds west 11.98 feet to a point; thence north 69 degrees, 44 minutes, 40 seconds west 100.00 feet to the point and place of beginning.

BUDGET AMENDMENTS - CITY MANAGER, COMMUNITY DEVELOPMENT, AND TRANSPORTATION - ORDINANCE ADOPTED

The Agenda presented a budget amendment in the City Manager's budget in the amount of $2,500 to appropriate reserve Mall funds in the proper expenditure account for the contract repair of Mall brick pavers in four areas. The Agenda also presented a budget amendment in the amount of $41,183 in the Community Development Department to provide funds for maximum allowable indirect cost allocation for current fiscal year. A budget amendment in the amount of $56,740 in the Department of Transportation to establish continuation budget for PL Section 104(f), Transportation Planning for fiscal year 1985 - eleventh year, was also presented. It was pointed out that this is a continuation of the City's agreement which has existed for a number of years whereby the lead planning agency, the City's Department of Transportation, receives Federal funds. Administration recommends approval of the three budget amendments as outlined.

Consent Agenda approval - Cates/Calloway - 8 ayes.

ORDINANCE NO. (1984) - 362

AN ORDINANCE TO AMEND THE 1983/84 BUDGET ORDINANCE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the 1983/84 Budget be amended as follows to reflect appropriating reserve mall funds in the proper expenditure account for contract repair of mall brick pavers in four areas:

Revenue:	41-1-0090-0220	Reserve	$ 2,500.00
Expense:	41-2-2000-0182	Repairs Mall	$ 2,500.00

Section 2. That the 1983/1984 Budget be amended as follows to provide funds for maximum allowable indirect cost allocation for current fiscal year:

Revenue:	43-1-5000-0101	Program Income	$41,183.00
Expense:	43-2-5010-0261	Indirect Cost Allocation	$41,183.00

Section 3. That the 1983/1984 Budget be amended as follows to establish continuation budget for PL Section 104(f), Transportation Planning for fiscal year 1985-eleventh year. This is a continuation of agreement which has existed a number of years whereby the lead planning agency, the City's Department of Transportation, received Federal Funds.

Revenue:	02-1-5350-0100	PL Section 104	$48,229.00
	02-1-5350-0101	City In-King	8,511.00
		Total	$56,740.00

Expense:	02-2-5350-0100	Salaries	$42,215.00
	02-2-5350-0101	Fringe	5,488.00
	02-2-5350-0102	In-King	8,511.00
	02-2-5350-0231	Travel	263.00
	02-2-5350-0260	Supplies	263.00
		Total	$56,740.00

Adopted: 6/19/84

PRIVILEGE LICENSE - REQUEST FOR REFUNDS - APPROVED

Ms. Mildred S. Pretty, owner of "Grit, Inc., D/B/A McDonald's," located at 105 South Street, has given written request for a refund of $49 for the 1980-81 privilege license year. The reason for this request is an overpayment of that year's privilege license taxes. Administration has investigated and the request for refund has been verified.

Recommendation: It is recommended that the request for refund be approved.

Ms. Ruth Lee, owner of "Ruth's Florist," located at 2727 Knowles Street, has given written request for a refund of $20 for the 1984-1985 privilege license year. The reason for this request is an overpayment of this year's privilege license taxes. Administration has investigated and the request for refund has been verified.

Recommendation: It is recommended that the request for refund be approved.

Consent Agenda approval - Cates/Calloway - 8 ayes.

CONDEMNATION - SANITARY SEWER PROJECT - RESOLUTION ADOPTED

Efforts have been unsuccessful to obtain needed right-of-way, therefore, we are recommending that a resolution of condemnation be authorized.

Name - John S. Walton and Wife, Ruth G. Walton

Site Location - 6008 Creedmoor Road

Project Name - 20-Foot Sanitary Sewer Easement (6000 and 6100 Blocks - Creedmoor Road)

Consent Agenda approval - Cates/Calloway - 8 ayes.

RESOLUTION (1984) - 552

A RESOLUTION AUTHORIZING CONDEMNATION TO ACQUIRE CERTAIN PROPERTY OF JOHN S. WALTON AND RUTH G. WALTON, WIFE

WHEREAS, the City Council of the City of Raleigh hereby determines that it is necessary and in the public interest to acquire certain property owned by John S. Walton and Ruth G. Walton for the following public purpose:

> To protect the public health, to provide the public with an adequate and sound sewage collection and disposal system, and to improve such system to meet the need for expanded or upgraded services, specifically, to construct and install a sanitary sewer main adjacent to Creedmoor Road south of Lynn Road.

WHEREAS, the proper officials or representatives of the City have been unable to acquire the needed interest in this property by negotiated conveyance.

NOW, THEREFORE, BE IT RESOLVED BY THE RALEIGH CITY COUNCIL, THAT:

1. The City shall acquire by condemnation, for the purposes stated above, the property and interest described as follows:

> An easement to construct, improve, repair, maintain and use a sanitary sewer main within that easement area shown across the parcel identified as Lot 1 on a map prepared by the City of Raleigh Department of Central Engineering entitled, "20' SANITARY SEWER EASEMENT CREEDMOOR ROAD 6000 BLK AND 6100 BLK", dated 10-20-83, revised 3-1-84, and recorded in Book of Maps 1984 at page 615, Wake County Registry.

2. The attorneys representing the City are directed to institute the necessary proceedings under Chapter 40A of the North Carolina General Statutes to acquire the property herein described.

Adopted: June 19, 1984

Effective: June 19, 1984

TRANSFERS - ADMINISTRATIVE - MANAGER'S ACTIONS CONCURRED WITH

Council Members received in their Agenda packets a list of administrative transfers which have been authorized according to Council procedure. Concurrence with the Manager's action is recommended. Consent Agenda approval - Cates/Calloway - 8 ayes.

The transfers were as follows:

FROM	TO	AMOUNT
01-2-4020-0284	01-2-4020-0219	$950.00
01-2-3030-0234	01-2-3030-0260	150.00
01-2-3030-0234	01-2-3030-0245	800.00
19-2-8390-0600	19-2-8390-0992	950.00
01-2-5100-0603	01-2-5100-0260	900.00
43-2-4010-0260	43-2-4060-0100	1.84
43-2-4070-0101	43-2-4060-0100	.23
43-2-4090-0236	43-2-4090-0236	113.00
01-2-1040-0230	01-2-1110-0230	50.00
01-2-1040-0001	01-2-1110-1237	500.00
01-2-4130-0600	01-2-4130-0225	650.00
01-2-1100-0700	01-2-1100-0705	600.00
43-2-5010-0232	43-2-5010-0237	135.02
19-2-8040-0227	19-2-8040-0221	400.00
01-2-1030-0231	01-2-1030-0600	342.45
18-2-0200-0221	18-2-0200-0237	150.00
18-2-0700-0227	18-2-0700-0237	150.00
18-2-0400-0227	18-2-0400-0237	150.00
18-2-0800-0600	18-2-0800-0237	150.00
18-2-0520-0702	18-2-0200-0702	150.00
18-2-0520-0702	18-2-0100-0702	150.00
42-2-9010-0292	42-2-9010-0228	110.00
01-2-1030-0700	01-2-1030-0600	999.00
06-2-7090-0260	06-2-7090-0728	150.00
01-2-1220-0211	01-2-1220-0213	529.36
01-2-6010-0695	01-2-6010-0661	225.00
01-2-2000-0265	01-2-2000-0226	180.00
02-2-6690-0700	02-2-6690-0600	140.00
01-2-1230-0270	01-2-1230-0237	100.00
43-2-5090-0232	43-2-5090-0260	150.00
01-2-6010-0259	01-2-6010-0221	400.00

TRANSFERS - WITHIN VARIOUS DIVISIONS - ORDINANCE ADOPTED

The Agenda presented a list of recommended transfers in the budgets of the City Manager, Civic Center, Finance, Human Resources, Community Development, Fire, Inspections, Parks and Recreation, Public Utilities, Public Works and the Department of Transportation. The Agenda outlined the exact transfers and purposes. Administration recommends approval. Consent Agenda approval - Cates/Calloway - 8 ayes. See Ordinance 363 TF 25.

BID REQUEST 83-72 - POLICE SERVICE REVOLVERS AND SHOTGUNS - BID AWARDED TO DAVIDSONS LAW ENFORCEMENT

Pursuant to advertising as required by law, bids were received and publicly opened in the Office of the Purchasing Agent on June 11, 1984, for service revolvers and shotguns with results as follows: Davidsons Law Enforcement - $12,438.56; National Police Supply - $13,768.82. Administration recommends the low bid of Davidsons Law Enforcement be accepted. Consent Agenda approval - Cates/Congleton - 8 ayes.

BID REQUEST 83-73 - TURF TRACTOR WITH SICKLEBAR AND WOODS MOWER - BID AWARDED TO R. W. MOORE EQUIPMENT COMPANY, INC.

Pursuant to advertising as required by law, bids were received and publicly opened in the Office of the Purchasing Agent on June 11, 1984, for a turf tractor with sicklebar and woods mower, less trade, with results as follows: R. W. Moore Equipment Company, Inc. - $12,866; Senter Sanders Tractor Corporation - $13,245. Administration recommends the low bid submitted by R. W. Moore Equipment Company, Inc. be awarded. Consent Agenda approval - Cates/Calloway - 8 ayes.

TRAFFIC - VARIOUS CHANGES - ORDINANCE ADOPTED

The agenda presented recommended changes in the Traffic Code relating to metered parking on Hillsborough Street, time limit parking on Tucker Street and no parking on Cabarrus Street with recommendation of approval. Consent Agenda approval - Cates/Calloway - 8 ayes.

ORDINANCE No. (1984) - 364

AN ORDINANCE TO AMEND THE TRAFFIC SCHEDULE OF THE CITY OF RALEIGH

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That Schedule No. 13 entitled, "NO PARKING," be amended by adding the following:

Cabarrus Street, both sides, from Salisbury Street eastward to Dead End.

Section 2. That Schedule No. 15-D entitled, "TWO-HOUR PARKING," be amended by adding the following:

Tucker Street, both sides, from St. Mary's Street, eastward 100 feet.

Section 3. That Schedule No. 15-C entitled, "ONE-HOUR PARKING," be amended by deleting the following:

Tucker Street, both sides, from St. Mary's Street, eastward 100 feet.

Section 4. That Schedule No. 20-D entitled, "TWO-HOUR METER ZONE," be amended by adding the following:

Hillsborough Street, south side, beginning at a point 200 feet east of Saint Mary's Street, eastward 40 feet.

Section 5. That all laws and clauses of laws in conflict herewith are hereby repealed to the extent of such conflict.

Section 6. That this ordinance shall become effective June 26, 1984.

Adopted: 6/19/84

Effective: 6/26/84

END OF CONSENT AGENDA

SPECIAL ITEMS

DYLAN-HEATH COURT - PROBLEMS - REFERRED TO PUBLIC WORKS COMMITTEE

Judson Newbern, representing the Dylan-Heath Court Townhomes Homeowners Association, was at the meeting to discuss necessary action to have the grounds, site plan, parking, drainage, landscaping, etc. completed and brought up to the level as approved on the site plan submitted to the City Council known as S-83-80. Mr. Judson presented a copy of the site plan showing the sidewalk locations, buildings, lot layout, parking layout, as well as landscape plan. He indicated part of the complex has been brought up to the standards very satisfactorily, however, the remainder has not. He presented a copy of a letter dated March 26 that was sent to the builders outlining the Homeowners Association grievances and outlining the areas that have been neglected. He indicated they received a letter back from the developer making the point that a lot of these grievances related to maintenance problems, however, Mr. Newbern indicated he feels that they have not completed the work according to the approved plan.

City Manager Benton indicated this was a plan approval that went through our process in 1981. He stated our staff has identified a number of deficiencies that need to be addressed. He stated he hasn't had the opportunity to compare the deficiencies listed by the staff and those submitted by Mr. Newbern but this matter does need to be addressed. Mr. Newbern indicated there is a sidewalk that hasn't been built and a retaining wall that hasn't been completed. He indicated he had photos showing areas of the complex that are up to standard and others that have not been built to standard. Brief discussion took place and by general consensus, the item was referred to Public Works Committee for discussion.

ENCROACHMENT - AUTUMN CHASE - APPROVED

J. Mack Little, representing the Calibre Company of North Carolina, was at the meeting to request City Council approval of an encroachment agreement that would allow the Calibre Company to leave the utility vault which houses a double check valve assembly partially within the right-of-way of Ray Road. He indicated the owner is ready and willing to sign an encroachment agreement and provide proof of insurance. He pointed out this road is part of the State's system and the State DOT has approved this encroachment.

City Manager Benton indicated the problem is the box was incorrectly installed within the right-of-way of Ray Road and it should have all been on private property. He stated the utility box has been designed to handle the traffic load and since the State Dot has expressed approval and the fact that it is behind the curb and should be protected, Administration has no objection. Mr. Calloway moved approval of the encroachment as outlined. His motion was seconded by Ms. Babb and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

ENCROACHMENT - STATION SQUARE (DILLON-McLEOD BUILDING) - APPROVED

Paul Carr, 1208 College Place, was at the meeting representing Station Square Associates. He indicated they would like permission to encroach over the right-of-way by approximately 18 inches for the installation of a cornice and approximately 2 feet for the installation of an awning at 224 South Dawson Street. City Manager Benton indicated the Planning Staff has reviewed the proposal which includes a 5-foot awning which encroaches 2 feet into the Dawson Street right-of-way leaving at least 8 feet of clear pedestrian space. The height also meets appropriate standards. He indicated the Inspections Division has no objection as long as the canopy and cornice meet all Code requirements and as long as the standard encroachment agreement is entered into. City Manager Benton indicated Administration recommends approval with these conditions. Mr. Benton expressed appreciation to the owners of Station Square Associates for their help and understanding in the transition of City personnel moving out of that building and Station Square Associates taking over. Mrs. Cates moved approval of the encroachment as outlined. Her motion was seconded by Mr. Keller and put to a vote which passed unanimously.

RENTAL REHABILITATION PROGRAM - HEARING - TO BE PLACED ON JULY 3, 1984 AGENDA

This was a hearing to receive public input regarding a proposed application to the U. S. Department of Housing and Urban Development for a Rental Rehabilitation Program for the purpose of increasing the supply of standard rental housing for lower income families. Community Development Director Prosser indicated this is a new section under the CDBG, pending approval from Congress which will start in 1984-85. He indicated if Raleigh submits an acceptable program description, it can expect to receive some $137,500. He explained the objective of the program is to increase the supply of standard rental housing which is affordable to lower income families and the money can go toward the direct cost of rehabilitating existing privately owned rental property. He explained an unique feature of this program is the degree of discretion entitlement cities have in determining the program design and financial incentives. He stated the broad regulations do set certain parameters and explained these. He explained as an incentive not to displace families who are in units to be rehabilitated, the Housing Authority will issue Section 8 Certificates for $5,000 each to rehabilitate a unit. He stated with an eye towards maximizing the amount of private funds invested in upgrading residential units, the City can subsidize up to 50% or $5,000 of the cost of bringing a unit up to standards and this subsidy can be in the form of a grant or loan. He explained the performance standards and he pointed out if after a review of a program performance the program has been successful in meeting this criteria, the City may qualify for an increase of 15% in entitlement of funds for FY 85-86. The Mayor opened the hearing to the public.

John P. Greene, 802 South East Street, Chairman of the Central CAC and representing Bill Winley of RWAC, indicated they endorse the program. He stated, however, they do have one concern and that is that if a landlord receives any loan or grant under this program, they would like to see some process whereby the landlord would not raise the rent after the rehabilitation has been done. He stated he knew that we do not have rent controls in Raleigh but they would like to see some control put on this program. No one else asked to be heard, thus the hearing was closed.

Mr. Calloway questioned if the City had any idea of the potential of this program as to how many units it would cover with Mr. Prosser indicating it would cover 27 units of housing if we used the maximum of $5,000 per unit. He indicated the Housing Authority would receive only 27 HAP certificates and that would cover the maximum. He indicated the program has not been designed at this point and that this is the initial public hearing. Discussion took place as to whether Mr. Green's comments would be addressed in the program with Mr. Prosser indicating it is hoped that the units that would be rehabilitated would be selected in a way to minimize this possibility. He indicated there would be increases in rents charged but the HAP certificate would minimize the effect to the renter. Discussion took place as to whether the interest rate has been established with Mr. Prosser indicating at this point the City hasn't structured the program to determine whether it would be interest subsidy, loans, grants, or just how the program would be structured. He indicated an evaluation is taking place and in response to questioning, stated he did not know how many people in the community would be interested in this program. Mr. Walters pointed out it could be that the program is so cumbersome and would have so much paper work that people would not be interested. No other questions were asked and it was agreed to place this item on the next Agenda with Administration making a recommendation on the program structure, etc.

REPORT OF THE PLANNING COMMISSION

PLANNING COMMISSION CONSENT AGENDA - APPROVED AS AMENDED; INFORMATION RECEIVED ON FLOODPLAIN

Mayor Upchurch presented the Planning Commission Consent Agenda indicating it would be handled in the same manner as the regular Consent Agenda. Mrs. Block requested that CR-5070 (S-35-84) and CR-5117 (Z-50-84) be withdrawn. Mrs. Cates requested that CR-5097 (S-79-84), CR-5118 (Z-58-84), and CR-5119 (Z-59-84) be withdrawn. Without objection, these items were withdrawn from the Consent Agenda. City Manager Benton indicated in response to requests from Council, the following Certified Recommendations involved land that have floodplains: CR-5098, CR-5099, CR-5100, CR-5101, CR-5107, CR-5108, CR-5118, and CR-5119. Mrs. Cates indicated she thought that the Council was going to look at all subdivisions that involved floodplain land. City Manager Benton explained there is no indication that there is any problem with the

floodplain but he was providing the information as requested by Council. Planning Director Chapman indicated in all of the subdivisions that are before the Council which involve floodplain lands, there is a note in the CR or the staff write-up. He stated, however, none of the subdivisions show proposed building sites in floodplain areas. The floodplain areas are treated as greenways or are just a portion of a lot that has buildable space on it. Mr. Congleton moved approval of the Planning Commission's recommendations on the remaining items on the Consent Agenda. His motion was seconded by Mr. Calloway and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted. The items on the Planning Commission Consent Agenda were as follows.

SUBDIVISION S-74-84 - CANDLEWOOD CLUSTER UNIT DEVELOPMENT - APPROVED WITH CONDITIONS

This was a request for approval of a 169-unit Cluster Unit Development on 42 acres, zoned Residential-6. The development will consist of 167 single-family parcels and two (2) large parcels for future development.

The property is located at the northeast corner of New Hope Road and Buffaloe Road, outside the City Limits.

CR-5075 from the Planning Commission recommended that this request be approved according to a map entitled, "Candlewood Cluster Unit Development," the property of J. J. Buffaloe, drawn by R. Samuel Jarvis, dated April 20, 1984, with the following conditions: (1) That the plan be approved for Lots 17-45 using gravity sewer and the remaining portion using a private treatment plant which would release into Beaver Dam Creek; (2) that the State approve a discharge permit for the private treatment plant; (3) that a stormwater management plan be prepared and approved by Staff conforming to the Perry Creek Stormwater Policy being formulated by the City Council; (4) that the development conform to the Perry Creek Policy and pay all associated development fees; and (5) that the legal documents for the non-profit homeowners association be reviewed and approved by the City Attorney's Office prior to recording the final plats. Consent Agenda approval - Congleton/Calloway - 8 ayes.

SUBDIVISION S-81-84 - STONEHENGE 10 AND SUBDIVISION S-92-84 - BRIDGEPORT TOWNHOUSES - APPROVED WITH CONDITIONS

This was a request for approval to subdivide a 137.6 acre tract into eight (8) tracts - Stonehenge 10 being 32.37 acres, consisting of 30 single-family lots and 32 duplex units, zoned Residential-4 (24.8 acres) and Residential-6 (5.7 acres); Bridgeport Townhouses consisting of 117 townhouse units on 20.9 acres, zoned Residential-6, Tract D - 18.18 acres, zoned Shopping Center; Tract F - 22 acres, zoned Residential-10; Tract M - 6.6 acres, zoned Office and Institution-III; Tract H - 10.9 acres, zoned Residential-20; and Tract J - 25.9 acres, zoned Residential-6. Stonehenge 10 and Bridgeport Townhouses are designed as a Cluster Unit Development.

The property is located on the northeast corner of NC 50 and Stonehenge Drive, outside the City Limits.

CR-5098 from the Planning Commission recommended that this request be approved according to maps entitled, "Stonehenge 10" and "Bridgeport Townhouses," the property of Development Associates, drawn by LaMarr Bunn and Associates and Penny Green and Associates, dated April 26, 1984, with the condition that the legal documents for the non-profit homeowners association be reviewed and approved by the City Attorney's Office prior to recording the final plats. Consent Agenda approval - Congleton/Calloway - 8 ayes.

SUBDIVISION S-82-84 - STONY BROOK CONDOMINIUM CONVERSION - APPROVED; CITY TO ACCEPT GREENWAY

This was a request for approval to convert a 102-unit project into residential condominiums on 14.1 acres, zoned Office and Institution-II. The request is to convert in two (2) phases (Phase 1 - 51 units, 5.1 acres; Phase 2 - 51 units, 9.0 acres). Phase 1 of the project is currently under development.

The property is located at the northeast corner of Brentwood Road and Timberlake Drive, inside the City Limits.

CR-5099 from the Planning Commission recommended that this request be approved according to a map entitled, "Stony Brook Condominium Conversion," the property of J. W. York Company, drawn by John A. Edwards and Company, dated November 18, 1980; and that the 1.7 acre greenway easement dedication be accepted. Consent Agenda approval - Congleton/Calloway - 8 ayes.

SUBDIVISION S-83-84 - SHELL DRIVE SUBDIVISION - APPROVED WITH CONDITIONS

This was a request for approval to subdivide a 4.32 acre tract which is currently undeveloped and zoned Residential-4 into 11 single-family lots.

The property is located west of Perry Creek Road, along the southern property boundary of Berkshire Downs West, outside the City Limits.

CR-5100 from the Planning Commission recommended that this request be approved according to a map entitled, "Shell Drive Subdivision," the property of Paragon Development Company, drawn by Priest, Craven and Associates, dated May 14, 1984, with the following conditions: (1) That a stormwater management plan be developed and

approved by the Staff in conformance with the Perry Creek Stormwater Policy being formulated by the City Council; and (2) that the developer conform to the Perry Creek Development Policy and that all associated fees be paid as required under the adopted policy. Consent Agenda approval - Congleton/Calloway - 8 ayes.

SUBDIVISION S-84-84 - GOODALL COURT - APPROVED WITH CONDITIONS

This was a request for approval to subdivide a 5.76 acre parcel which is currently undeveloped and zoned Residential-4 into 15 single-family lots.

The property is located on the west side of Perry Creek Road, just north of Bentley Circle, outside the City Limits.

CR-5101 from the Planning Commission recommended that this request be approved according to a map entitled, "Goodall Court," the property of Paragon Development Company, drawn by Priest, Craven and Associates, dated May 31, 1984, with the following conditions: (1) That a stormwater management plan be developed and approved by the Staff in conformance with the Perry Creek Stormwater Policy being formulated by the City Council; and (2) that the developer conform to the Perry Creek Development Policy and that all associated fees be paid as required under the adopted policy. Consent Agenda approval - Congleton/Calloway - 8 ayes.

SUBDIVISION S-85-84 - TEMPLE STREET PROPERTY - APPROVED

This was a request for approval to subdivide 3.87 acres which are currently undeveloped and zoned Residential-4 into 13 single-family lots.

The property is located at the east end of Temple Street, just west of Montclair Drive, inside the City Limits.

CR-5102 from the Planning Commission recommended that this request be approved according to a map entitled, "Temple Street Property," the property of Robuck Homes, Incorporated, drawn by Priest, Craven and Associates, dated April 30, 1984. Consent Agenda approval - Congleton/Calloway - 8 ayes.

SUBDIVISION S-86-84 - WATERFORD OFFICE PARK - APPROVED WITH CONDITION

This was a request for approval to subdivide a 9.52 acre parcel which is currently undeveloped and zoned Office and Institution-III into six (6) lots.

The property is located on the east side of Six Forks Road, at the intersection of Six Forks Road and Mourning Dove Road, outside the City Limits.

CR-5103 from the Planning Commission recommended that this request be approved according to a map entitled, "Waterford Office Park," the property of Waterford Office Park Associates, drawn by Priest, Craven and Associates, dated May 1, 1984, with the condition that the cross-access agreements for Lots 1, 2, 5, and 6 be reviewed and approved by the City Attorney's Office prior to recording the final plats. Consent Agenda approval - Congleton/Calloway - 8 ayes.

SUBDIVISION S-93-84 - ASHLEIGH PLACE TOWNHOUSES - APPROVED WITH CONDITION

This was a request for approval to construct 19 townhouse units on 3.19 acres which are currently undeveloped and zoned Residential-6.

The property is located on the east side of Deboy Street, just south of Wendy Lane, inside the City Limits.

CR-5106 from the Planning Commission recommended that this request be approved according to a map entitled, "Ashleigh Place Townhouses," the property of Jack Reed, drawn by Capitolandesign, dated May 18, 1984, with the condition that the legal documents for the non-profit homeowners association be reviewed and approved by the City Attorney's Office prior to recording the final plats. Consent Agenda approval - Congleton/Calloway - 8 ayes.

SUBDIVISION S-94-84 - AUTUMN CHASE CONDOMINIUM REVISIONS - APPROVED

This was a request for approval to revise a 120-unit condominium project on 20.9 acres zoned Residential-6. The revision is to take two (2) units off two (2) buildings (total - 4 units) and move them to a new building location. The total unit count will remain the same.

The property is located on the northeast corner of Ray Road and Leesville Road, just west of Lynn Road, outside the City Limits.

CR-5107 from the Planning Commission recommended that this request be approved according to a map entitled, "Autumn Chase Condominium Revisions," the property of The Calibre Company of North Carolina, Incorporated, dated May 9, 1984. Consent Agenda approval - Congleton/Calloway - 8 ayes.

SUBDIVISION S-95-84 - HOLSTON LANE - APPROVED; CITY TO ACCEPT GREENWAY EASEMENT

This was a request for approval to subdivide, in five (5) phases, 33.2 acres which are currently undeveloped and zoned Office and Institution-I into 60 lots and two (2) large tracts.

The property is located on the south side of Holston Lane and on the east side of Sunnybrook Road, inside the City Limits.

CR-5108 from the Planning Commission recommended that this request be approved according to a map entitled, "Holston Lane," the property of Regency Residential, drawn by James R. Billups, dated May 1, 1984; and the acceptance of the dedication of 1.7 acres of greenway easement. Consent Agenda approval - Congleton/Calloway - 8 ayes.

SUBDIVISION S-97-84 - TYSON'S COURT CONDOMINIUMS - APPROVED WITH CONDITION

This was a request for approval to construct 44 residential condominium units in 11 buildings on 4.4 acres which are currently undeveloped and zoned Residential-10.

The property is located on the south side of Ed Drive, just east of Blue Ridge Road, outside the City Limits.

CR-5109 from the Planning Commission recommended that this request be approved according to a map entitled, "Tyson's Court Condominiums," the property of Crescent Development Corporation, drawn by Paton, Zucchino and Associates, dated April 20, 1984, with the condition that the developer acquire all off-site sanitary sewer easement deeds shown on the plan prior to the Staff signing the construction drawings. Consent Agenda approval - Congleton/Calloway - 8 ayes.

SUBDIVISION S-116-84 - VILLAGE GLEN TOWNHOUSES REVISIONS - APPROVED WITH CONDITION

This was a request for approval to revise a previously approved townhouse project by relocating 18 buildings (59 units) and parking and private drive location. The overall site is 9.2 acres and was approved for 92 units. The unit count will remain the same. The property is zoned Residential-10 and Phase 1 is under construction.

The property is located at the southwest corner of Glen Eden Drive and the Beltline, inside the City Limits.

CR-5110 from the Planning Commission recommended that this request be approved according to a map entitled, "Village Glen Townhouses Revisions," the property of First Raleigh Properties, drawn by Envirotek, dated April 30, 1984, with the condition that the legal documents for the non-profit homeowners association be reviewed and approved by the City Attorney's Office prior to recording the final plats. Consent Agenda approval - Congleton/Calloway - 8 ayes.

PA-213 - DOCTORS URGENT CARE CENTER - APPROVED

This was a request for approval to construct a 2,800 square foot medical office building on a 0.45 acre parcel which is currently undeveloped and zoned Office and Institution-II.

The property is located at the southeast corner of Luther Road and New Bern Avenue, inside the City Limits.

CR-5111 from the Planning Commission recommended that this request be approved according to a map entitled, "Doctors Urgent Care Center," the property of Doctors Urgent Care Center, Inc., drawn by Geoffrey McLean and Company, dated May 1, 1984. Consent Agenda approval - Congleton/Calloway - 8 ayes.

PA-214 - SOUTHWIND OFFICE BUILDING - APPROVED

This was a request for approval to construct a 253,200 square foot office building and a 697 stall parking deck on a 3.39 acre parcel which is currently undeveloped and zoned Office and Institution-II.

The property is located at the northwest corner of Wake Forest Road and New Hope Church Road, inside the City Limits.

CR-5112 from the Planning Commission recommended that this request be approved according to a map entitled, "Southwind Office Building," the property of Southwind, Limited, drawn by Stevens and Wilkinson, Incorporated, dated May 21, 1984. Consent Agenda approval - Congleton/Calloway - 8 ayes.

SC-235 - SACK'S RESTAURANT - APPROVED

This was a request for approval to construct a 238 square foot storage area at an existing restaurant. The site is zoned Shopping Center and is 9.95 acres in size.

The property is located on the west side of Falls of Neuse Road, just south of Sandy Forks Road, inside the City Limits.

CR-5113 from the Planning Commission recommended that this request be approved according to a map entitled, "Sack's Restaurant," the property of Sack's Restaurant, drawn by James C. Buie, Architect, dated April, 1984. Consent Agenda approval - Congleton/Calloway - 8 ayes.

SC-236 - SUNDOWN INN, PHASE 2 - APPROVED

This was a request for approval to construct Phase 2 of a motel development consisting of 50 rooms on a 0.9 acre site which is currently undeveloped and zoned Shopping Center.

The property is located on the south side of US 70 (Glenwood Avenue), just west of Pleasant Valley Road, inside the City Limits.

CR-5114 from the Planning Commission recommended that this request be approved according to a map entitled, "Sundown Inn, Phase 2," the property of TFT Partners, drawn by Fred Tolson Associates, dated May 1, 1984. Consent Agenda approval - Congleton/Calloway - 8 ayes.

SC-238 - STARMOUNT TEXACO FOOD MART - APPROVED WITH CONDITION

This was a request for approval to construct a 1,056 square foot food mart and a 558 square foot car wash on a 0.6 acre tract, zoned Shopping Center. The site is currently an automotive service station.

The property is located on the east side of US 1 North, just north of Starmount Drive, inside the City Limits.

CR-5115 from the Planning Commission recommended that this request be approved according to a map entitled, "Starmount Texaco," the property of Texaco, drawn by Texaco, dated May 31, 1984, with the condition that a sign package be presented that conforms to City standards and is approved prior to any signs being erected on the site. Consent Agenda approval - Congleton/Calloway - 8 ayes.

PA-212 - LA PETITE ACADEMY - APPROVED WITH CONDITION

This was a request for approval to construct a 5,118 square foot child academy on a 0.75 acre parcel which is zoned Office and Institution-III. The site is developed with a single-family unit which will be removed.

The property is located on the west side of Six Forks Road, just south of Crown Oaks Drive, inside the City Limits.

CR-5116 from the Planning Commission recommended that this request be approved according to a map entitled, "La Petite Academy," the property of La Petite Academy, drawn by Bass, Nixon and Kennedy, dated May 16, 1984, with the condition that the landscaping plan be approved by the Staff prior to issuance of a building permit. Consent Agenda approval - Congleton/Calloway - 8 ayes.

REZONING Z-60-84 - DURALEIGH ROAD - APPROVED - ORDINANCE ADOPTED

This was a request for approval to rezone approximately 1.6 acres from Residential-4 to Residential-10.

CR-5120 from the Planning Commission recommended that Z-60-84 be approved as requested. Consent Agenda approval - Congleton/Calloway - 8 ayes. See Ordinance 363 ZC 140.

REZONING Z-63-84 - NORTH HILLS DRIVE - PROPERTY REZONED TO RESIDENTIAL-6 - ORDINANCE ADOPTED

This was a request for approval to rezone approximately 3.7 acres from Residential-4 to Residential-10.

CR-5121 from the Planning Commission recommended that Z-63-84 be approved as amended; that is, that the property contained in Z-63-84 be rezoned to Residential-6. Consent Agenda approval - Congleton/Calloway - 8 ayes. See Ordinance 365 ZC 140.

END OF PLANNING COMMISSION CONSENT AGENDA

SUBDIVISION S-35-84 - METHOD SUBDIVISION - REFERRED TO LAW AND FINANCE COMMITTEE

This was a request for approval to subdivide a 2.3 acre tract into two (2) lots, zoned Residential-10. The site is an existing non-conforming Group Housing Exception and is currently being considered for rezoning (see CR-5117, Z-50-84).

The property is located at the northeast corner of Atwater Street and Ligon Street, inside the City Limits.

CR-5070 from the Planning Commission recommended that this request be approved according to a map entitled, "Method Subdivision," the property of John W. Winters and Wayne Yeargan, drawn by James A. McNeill, RLS, dated March 19, 1984, with the condition that the requested rezoning to Residential-15 is approved by the City Council prior to recording the final plat.

Planning Director Chapman explained the proposed subdivision. Vice Chairman McNeely indicated there was some confusion on this case and a fear of additional development, however, the subdivision is to try to bring the piece of property in conformance with present laws. He stated there is no attempt to try and squeeze any more units on

this property. Mrs. Block pointed out she requested the item be withdrawn from the Consent Agenda pointing out the Method Community hasn't had an opportunity for input on this case, therefore, she would request that it be referred to Law and Finance Committee. Without objection, the item was so referred.

SUBDIVISION S-79-84 - CHARLESTON RIDGE TOWNHOMES - APPROVED WITH CONDITION; ADMINISTRATION TO CHECK AT BIRNAMWOOD DRIVE

This was a request for approval to construct 39 townhouse units on a 7.6 acre tract which is zoned Residential-6. The site has two (2) single-family units which will be removed.

The property is located on the east side of Ridge Road, just south of Darian Drive, inside the City Limits.

CR-5097 from the Planning Commission recommended that this request be approved according to a map entitled, "Charleston Ridge Townhomes," the property of Charleston Ridge Associates, drawn by McNeely Associates, dated June 4, 1984, with the condition that the legal documents for the non-profit homeowners association be reviewed and approved by the City Attorney's Office prior to recording the final plats.

Mrs. Cates explained she requested this item be withdrawn from the Consent Agenda. She stated she had studied the plan along with one of the planners and some of the neighbors. She stated the neighborhood is very interested in the storm water control that Mr. McNeely has proposed on this property and she feels that if it works, that it maybe could be tried on other projects. She stated it is an unusual storm water control system and she would ask that the City Attorney review the Homeowners Association document in light of this system to be sure that the maintenance of the storm water system is included in the document. She pointed out, in addition, there is a natural buffer and she knows that the City can't enforce that but she would like for the City Attorney to be alert to that when checking the documents. She stated, in addition, she would like for the staff to check the culvert under Birnamwood Drive as it is already insufficient to carry the water from the present development. She stated maybe something should be done to correct the situation now. She stated with those comments she would move approval of the Planning Commission's recommendation. Her motion was seconded by Mr. Walters.

Mrs. Block questioned if the staff feels that the storm water management system is sufficient or is it one that will cause us problems down the line? Planning Director Chapman indicated the staff has reviewed the proposed storm water system and briefly explained how it works. He stated to the best of our knowledge, it is felt that it would work fine. He indicated there are problems in the area already and this will not help those problems but he does not feel that it will aggravate the problems. The motion, as stated, was put to a vote which resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

REZONING Z-50-84 - LIGON STREET - REFERRED TO LAW AND FINANCE COMMITTEE

This was a request for approval to rezone approximately 1.9 acres from Residential-10 to Residential-15.

CR-5117 from the Planning Commission recommended that Z-50-84 be approved as requested.

Mrs. Block pointed out the Method Community had not had an opportunity for input on this case, therefore she would request that it go to Law and Finance Committee to be studied along with the associated Subdivision S-35-84. Without objection, the item was so referred.

REZONING Z-58-84 - U. S. 70 WEST - REFERRED TO PUBLIC WORKS COMMITTEE; REZONING Z-59-84 - DURALEIGH ROAD - APPROVED - ORDINANCE ADOPTED

Rezoning Z-58-84 was a request for approval to rezone approximately 75 acres from Residential-4 (65 acres), Neighborhood Business (5 acres), and Industrial-I (5 acres) to Office and Institution-I.

CR-5118 from the Planning Commission recommended that Z-58-84 be approved as requested.

Rezoning Z-59-84 was a request for approval to rezone approximately 138 acres from Residential-4 to Office and Institution-I ("Tract 1," 18 acres), Office and Institution-III (being a portion of "Tract 2," 36.8 acres), Residential-10 ("Tract 3," 30.4 acres), Residential-6 ("Tract 4," 37.7 acres), and Residential-15 ("Tract 5," 15.2 acres).

CR-5119 from the Planning Commission recommended that Z-59-84 be approved as amended; that is, that some of the zoning boundaries be relocated in order to accommodate a north-south collector street, according to the map on file in the Planning Department drawn by Murphy and Associates, dated March 30, 1984.

Planning Director Chapman explained both zoning cases. Vice Chairman McNeely indicated these proposals were put into a committee to study in connection with the surrounding development. He indicated there was some concern about possible traffic problems. He stated the Committee met with City staff, Planning Department, etc., and he felt that the developers have done their homework on the plan for the area

pointing out there is a collector street and there was a slight realignment and the Committee and Planning Commission felt that the request should be approved.

Mrs. Cates indicated she pulled these two zoning cases from the Consent Agenda pointing out there was a note that floodplain properties were involved. Therefore, she would like to refer the two zoning cases to Public Works Committee to identify the flood fringe and possibly designate some Conservation/Buffer in that area. Her motion was seconded by Mrs. Block. Attorney Tom Adams was allowed to speak pointing out that rezoning Z-59-84 does not cover any property that is in the floodplain, therefore, he does not know why that should be considered. Mrs. Cates amended her motion that rezoning Z-58-84 be referred to Public Works Committee for study and that the Planning Commission's recommendation be upheld on rezoning Z-59-84 (CR-5119). Her motion was seconded by Mr. Calloway and put to a vote which resulted in all members voting in the affirmative. The Mayor ruled the motion adopted. See Ordinance 365 ZC 140.

REZONING Z-72-84 - BENSON DRIVE - REFERRED TO THE LAW AND FINANCE COMMITTEE

This was a request for approval to rezone approximately 72.8 acres from Residential-4 to Office and Institution-III (21.2 acres), and from Residential-4 to Office and Institution-II (43.6 acres) and from Office and Institution-III to Office and Institution-II (8 acres).

CR-5122 from the Planning Commission recommended that Z-72-84 be approved as requested.

Planning Director Chapman explained the proposal. Planning Commission Vice Chairman McNeely indicated that this case was put into a committee who met with the staff and various people. He pointed out the single most important concern related to possible traffic problems that would be created. Mr. Congleton indicated he is sure that all Council Members have received a lot of information on this and a petition with a tremendous number of names. He stated Council had also received a letter from Peter Andrews and others concerning this request. He stated he personally had spent a lot of time on it. He stated this proposed rezoning would be a major impact on an area explaining you have two major traffic arteries that already have traffic problems. He explained it is his understanding that there are some Council Members who are inclined to put this into a committee for further study but at this point he would move that the case be denied. His motion was seconded by Mrs. Cates. Mrs. Block pointed out this particular zoning case has a valid petition and the motion is to deny and questioned the parliamentary procedure as to how many votes it would take to deny this case. City Attorney McCormick indicated if the motion receives five votes, then the case is denied. Mrs. Block made a substitute motion to approve the rezoning case. Her substitute motion did not receive a second. Mr. Walters stated he felt the case should be put into committee pointing out O&I-III has been identified as the maximum density in this area. He indicated he did not want anyone to think he was in favor of the O&I-II but he feels it is the Council's obligation to come up with the best zone for an area. He stated everyone fully realizes that the 120 plus acres will be developed but he feels it is the Council's obligation to provide a good land use plan for the area. He stated he would like to defer the item and possibly appoint a committee to study the area and the plan in detail, therefore, he would make a substitute motion that rezoning Z-72-84 be referred to Law and Finance Committee to report out sometime after July 10 which would give the CACs an opportunity to discuss the matter. His motion was seconded by Mr. Calloway. Mr. Congleton stated he would not vote against this substitute motion pointing out, however, the thing that concerns him is that he would not support O&I-II for the property and the concern he has is that the Council might get caught up in this and say it is okay to zone O&I and leave the R-4 out and then shortly the R-4 would come in for rezoning. He stated this case just bothers him. Mrs. Block indicated she wanted to state for the record that her motion to approve the rezoning was a parliamentary procedure motion and that she was not saying she is for the rezoning. The substitute motion to refer the item to Law and Finance Committee was put to a vote and passed unanimously.

Later in the meeting, Mr. Keller stated that he would ask Mr. Congleton and Mr. Walters to head up a committee to work with the owners, developers, and adjacent property owners on this case and come up with a recommendation for the Law and Finance Committee. Without objection, this was agreed to.

COMMITTEES, COMMISSIONS AND BOARDS

APPEARANCE COMMISSION - JOHN STOKES REAPPOINTED

The City Clerk reported the term of John Stokes expires June 17, 1984, and he has been nominated for reappointment by all eight Council Members. Nominations have not been closed. Mrs. Block moved that nominations to the Appearance Commission be closed and Mr. Stokes appointed by acclamation. Her motion was seconded by Mr. Congleton and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

SISTER CITY AD HOC COMMITTEE - NO ACTION TAKEN

The City Clerk reported one vacancy and no nominations have been made. She pointed out during the last meeting, the Council appointed seven members to this Committee. Mr. Walters indicated the Chamber of Commerce and/or the corporate community is looking for someone to serve on this Committee and he would like to hold it open. No further action was taken.

HISTORIC PROPERTIES COMMISSION - MARGIE HAYES APPOINTED; NOMINATIONS TAKEN FOR TWO ADDITIONAL VACANCIES

The City Clerk reported one vacancy on the Historic Properties Commission as Susie Perry's term expires June 30, 1984, and she is not eligible for reappointment. Two nominations have been made but nominations have not been closed. There being no further nominations, by general consensus nominations were closed and a ballot vote resulted as follows: Hayes - 5 (Walters, Calloway, Cates, Congleton, Babb); Jadwick - 3 (Keller, Block, Upchurch). The Clerk announced the appointment of Margie Hayes to a two-year term on the Historic Properties Commission.

The City Clerk indicated recently Mrs. John T. Rice and L. W. Seegars were appointed to a two-year term on the Historic Properties Commission, however, because of previous commitments, both indicate they cannot serve, therefore, there are two additional vacancies. No nominations have been made. Ms. Babb nominated Mrs. John Jadwick.

HISTORIC PROPERTIES COMMISSION - APPOINTMENTS MADE

The City Clerk indicated five terms expire on the Historic Districts Commission on the June 30, 1984. All are eligible for reappointment and have been nominated as follows: Margie Haywood, Barbara Wishy, Ardath G. Weaver, Dr. Julius Nimmons, and Steve Stroud. Nominations have not been closed. There being no further nominations, Mr. Congleton moved that nominations be closed and the five nominees be appointed by acclamation. His motion was seconded by Ms. Babb and put to a vote which resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

PARKS AND RECREATION ADVISORY BOARD - NO ACTION TAKEN

The City Clerk reported one vacancy due to the resignation of Barlow Hergett. Nominations include Dr. Phillip Rae, Dot Jordan, and Bryant Lindsey. There being no further nominations, Mrs. Cates moved that nominations be closed. Her motion was seconded by Ms. Babb and put to a vote which passed unanimously.

A ballot vote resulted as follows: Lindsey - 2 (Congleton, Babb); Jordan - 3 (Cates, Walters, Calloway); Rae - 3 (Keller, Upchurch, Block).

Since no nominee received five votes, a second ballot vote was taken with results as follows: Lindsey - 2 (Babb, Congleton); Rae - 3 (Keller, Upchurch, Block); Jordan - 3 (Walters, Cates, Calloway).

Since no nominee received five votes, it was agreed to hold this item open until the next meeting.

ARTS COMMISSIONS - NOMINATIONS MADE

The City Clerk reported the terms of Raymond W. Dew, Jr., and Bill Bates expire August 5, 1984. No nominations have been made. Ms. Babb nominated Raymond Dew. Mrs. Cates nominated Ann Permar. No further action was taken.

BOARD OF ADJUSTMENT - NOMINATIONS MADE

The City Clerk reported the terms of Harry Massey and David L. Haywood expire August 5, 1984. Neither are eligible for reappointment due to length of service. Five nominations have been made. Mr. Upchurch nominated A. B. Williams. No further action was taken.

HOUSING AUTHORITY - PAUL M. MOORE AND CHARLES W. WARD - REAPPOINTED

The City Clerk reported the term of Paul M. Moore expires July 20, 1984, and the term of Charles W. Ward expires July 18. Both have been nominated for reappointment and nominations have not been closed. There being no further nominations, Mr. Walters moved that nominations be closed and the two elected by acclamation. His motion was seconded by Mr. Calloway and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

PLANNING COMMISSION - A. W. SOLOMON REAPPOINTED

The City Clerk reported the term of A. W. Solomon expires June 17, 1984, and he has been nominated for reappointment and nominations have not been closed. There being no further nominations, Mr. Calloway moved that nominations be closed and Mr. Solomon reappointed by acclamation. His motion was seconded by Ms. Babb and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

YOUTH COUNCIL ADVISORY BOARD - VICKIE LANGLEY REAPPOINTED

The City Clerk reported the term of Vickie Langley expires July 20, 1984, and she has been nominated for reappointment. There being no further nominations, Mrs. Cates moved that nominations be closed and Ms. Langley appointed by acclamation. Her motion was seconded by Ms. Babb and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

PLUMBERS EXAMINING BOARD - APPOINTMENTS MADE

The City Clerk reported all four terms expire July 1, 1984: Dewey Crutchfield, Jason Davis, Kenneth Truelove, and Joe Thomas. Mr. Thomas is the only member who is eligible for reappointment. The City Clerk indicated during the last meeting, the Council asked Administration to make recommendations for appointments as this Board requires a specific makeup relating to Journeymen and Master Plumbers. Administration recommends the following: Master Plumbers - Otis Hopkins and Ozza Tysor, III; Journeymen Plumbers - Phillip Albin and reappointment of Joe Thomas. Ms. Babb moved that the Council suspend rules and nominate all four and appoint by acclamation. Her motion was seconded by Mr. Walters and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

HUMAN RESOURCES AND HUMAN RELATIONS ADVISORY BOARD - NOMINATIONS MADE

The City Clerk reported one vacancy due to the resignation of Acie L. Ward. Mr. Congleton nominated David Brownlee. No further action was taken.

BY GENERAL CONSENSUS, THE COUNCIL TOOK A BREAK BETWEEN 2:30 and 2:45 P.M.

REPORT AND RECOMMENDATION OF THE LAW AND FINANCE COMMITTEE

NONE

REPORT AND RECOMMENDATION OF THE PUBLIC WORKS COMMITTEE

FALLS/JORDAN WATERSHED GROWTH MANAGEMENT TEXT CHANGES - PUBLIC HEARING AUTHORIZED

Mrs. Block reported Council Members received information in their Agenda packet relative to proposed text changes relating to the Falls Watershed Growth Management. This information outlines three needed changes to implement the growth management strategies. The Committee recommends that a Public Hearing be authorized for July 19 to consider:

1) Proposed ordinance revisions needed to incorporate new zoning and subdivision provisions, and

2) Proposed changes to the Comprehensive Plan (North District Land Use Plan), and

3) Proposed zoning map changes in the zoning of the Falls Watershed area.

On behalf of the Committee, Mrs. Block moved the recommendation be upheld. Her motion was seconded by Mr. Calloway and put to a vote which passed unanimously.

Mrs. Block indicated the Committee also recommends that the City Council request the State Environmental Management Commission to ban wastewater discharge in reservoir watershed protection. On behalf of the Committee, she moved the recommendation be upheld. Her motion was seconded by Mrs. Cates and put to a vote which resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

HOUSING CODE VIOLATIONS - 554 EAST EDENTON STREET - REMOVED WITH NO ACTION TAKEN; 523 EAST EDENTON STREET - HELD IN COMMITTEE

Mrs. Block reported the Public Works Committee recommends that the item relating to the enforcement of Housing Code violations at 554 E. Edenton Street be reported out with no action taken to declare the house unfit as it was reported that repairs will be made to this house using private sources. The Committee is holding the item relating to 523 E. Edenton Street as the Community Development Department is working with the involved property owner on the feasibility of a loan/grant package and this information will be reported back to Committee. Mrs. Block indicated this is for information only. The report was received without comment.

LANDFILL GAS RECOVERY - REQUEST FOR PROPOSALS AUTHORIZED; FUNDS TRANSFERRED FOR ADVERTISING

Mrs. Block reported Council Members received in their Agenda packet a request for proposal for development of a landfill gas recovery facility. The Committee recommends that the Administration be authorized to solicit proposals to be brought back to the Council for consideration. This request for proposal will be sent to firms which have expressed interest in the project and also to firms that have been involved in such projects in other cities. In addition, the Committee recommends the appropriation of $500 from the City Council Contingency Account to provide for advertisement in the eastern edition of The Wall Street Journal of the City's solicitation of proposals. On behalf of the Committee, Mrs. Block moved the recommendation be upheld. Her motion was seconded by Ms. Babb and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted. See Ordinance 363 TF 25.

SEWER BACKUP - 817 MERWIN ROAD - CLAIM TO BE RESUBMITTED TO INSURANCE COMPANY; ADMINISTRATION GIVEN DIRECTIVES

Mrs. Block reported the property owner in this matter presented additional information to the Committee related to her claim concerning a sewer backup. The Committee recommends that this claim along with this new information be resubmitted to the

City's insurance company and that the insurance company reevaluate the claim. The Committee also recommends that the City consider putting information in the utility bills letting the public know that if they have utility connections that are below the City's sewer lines that they need to contact their plumbers concerning the possibility of having back flow preventors installed to prevent possible sewer backup. It is also recommended that the City write to Insurance Commissioner John Ingram regarding the possibility of homeowner's insurance policies of North Carolina being amended in order to allow property owners to purchase insurance to cover sewer backup claims. On behalf of the Committee, she moved the recommendation be upheld. Her motion was seconded by Mrs. Cates and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

REZONING Z-65-84 - FALLS OF NEUSE ROAD - TO BE PLACED ON JULY 3 AGENDA; ADMINISTRATION TO PROVIDE INFORMATION

Mrs. Block indicated by split vote the Public Works Committee recommends rezoning this property which includes approximately .8 acres to Residential-15. The property is currently Residential-4 and the request was to rezone the property to Office & Institution-II. On behalf of the Committee, Mrs. Block moved the recommendation be upheld. Her motion was seconded by Mrs. Cates.

Mr. Congleton indicated he doesn't quite understand this case pointing out the Planning Commission and the CAC recommended unanimously to support the case. He stated he doesn't have any big problems with the O&I-II zoning. He stated, however, he would like to defer action on this case and put it on the July 3 Agenda as a special item and in the interim ask the Planning Department to give the Council information on the usability of this property under the R-15, O&I-II, O&I-I, and O&I-III zoning. His motion was seconded by Ms. Babb. Mr. Walters stated he did not see how the property could be developed at Residential-15. He stated he knew the background of the case and pointed out presently the only people opposed to the rezoning are those who hate to see any competition. Mr. Congleton indicated people have expressed concern to him about the fear of a hotel on this property and that, too, concerns him with Mrs. Cates agreeing. Mrs. Block pointed out this is a piece of property in the center of a developed residential neighborhood and twelve units could be placed on it under R-15 zoning and that would be very compatible. Mr. Congleton pointed out it is not in the middle of a residential neighborhood; it is a horseshoe-shaped property with Residential on three sides but across the street from O&I. The substitute motion as stated was put to a vote and passed unanimously.

STORMWATER MANAGEMENT - NORTH SHORE SUBDIVISION CONSTRUCTION - HELD IN COMMITTEE

Mrs. Block indicated this item was brought forward in the City Council Work Session and the Council agreed to appropriate $75,000 from the 83-84 budget to be carried forward in the 84-85 budget towards the cost of a Stormwater Management Study to be done on Marsh Creek watershed and in the Perry Creek watershed. She indicated this item would be discussed later in the meeting and the Committee recommends holding the item in Public Works for further study after the appropriation is made.

REPORT AND RECOMMENDATION OF THE INTERGOVERNMENTAL LIAISON COMMITTEE

NORTH CAROLINA STATE UNIVERSITY AREA - DEVELOPMENT OF FRINGE PARKING/SHUTTLE SERVICE - NO ACTION TAKEN

Chairman Calloway reported the Intergovernmental Committee recommends no action at the present time with the understanding that when NCSU decides that it is feasible to extend Wolfline service, the City Council will reconsider the matter. On behalf of the Committee, he moved the recommendation be upheld. His motion was seconded by Ms. Babb and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

GRASSROOTS ARTS PROGRAM - LETTER TO BE SENT TO COUNTY COMMISSIONERS

Chairman Calloway indicated the Committee requested Administration to contact the Wake County Commissioners as soon as possible and request that they endorse a resolution such as the City Council has adopted requesting that the General Assembly increase the appropriation to the North Carolina Arts Council thereby increasing the funding of the Grassroots Arts Program. On behalf of the Committee, he moved the recommendation be upheld. His motion was seconded by Mr. Walters and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

AMERICA'S 400TH ANNIVERSARY COMMITTEE - DESIGN OF BANNER APPROVED

Chairman Calloway reported the Committee recommends acceptance of the design for a banner to represent the City of Raleigh during the three-year celebration of the 400th Anniversary Ceremonies. The banner will become the property of the City of Raleigh after the anniversary festivities begin in October. On behalf of the Committee, he moved the recommendation be upheld. His motion was seconded by Mrs. Cates and put to a vote which passed unanimously. Ms. Babb indicated she supports this action but wanted to make a couple of comments about the 400th anniversary. Mayor Upchurch indicated he had some thoughts along that line and it was agreed to hold discussion on this matter until later in the Agenda under Report of Council Members.

REPORT AND RECOMMENDATION OF THE COMPREHENSIVE PLANNING COMMITTEE

BROOKLYN/GLENWOOD RECOMMENDATIONS - ENDORSED - FORWARDED TO ADMINISTRATION

Mrs. Babb indicated Council Members received in their Agenda packets a report of the Glenwood/Brooklyn Task Force. The Comprehensive Planning Committee recommends that this report be endorsed and forwarded to Council. On behalf of the Committee, she moved the recommendation be upheld. Her motion was seconded by Mrs. Cates. Ms. Babb pointed out a lot of work went into this report explaining during the Comprehensive Planning Committee, she assured the members of the Task Force that if the Council endorsed and accepted the report that means that the Council would be committing themselves to implement the recommendations of the Task Force. Mr. Walters stated he could not commit himself to implement all items in the report pointing out there are a lot of good things, but he couldn't support all of the recommendations. Ms. Babb stated there is nothing in the Task Force report that isn't a consensus of the community. She stated anything that was still at issue wasn't included as a recommendation. She indicated the point she was trying to make is that everyone worked long and hard and this is a consensus document. Mrs. Cates indicated some of the recommendations would require text change, etc., so technically what the motion would mean is to endorse the report and concept and refer it to Administration to bring back needed actions to Council with Ms. Babb indicating that is correct and that Administration would begin the process. The motion as stated was put to a vote and passed unanimously. The Mayor ruled the motion adopted.

REZONING Z-33-84 - GLENWOOD/BROOKLYN AREA - HELD IN COMPREHENSIVE PLANNING COMMITTEE; ADMINISTRATION TO DEVELOP RECOMMENDATIONS RELATIVE TO RESIDENTIAL-30 PERFORMANCE STANDARDS, ETC. - TO BE REPORTED BACK TO THE COMPREHENSIVE PLANNING COMMITTEE

Ms. Babb reported the Comprehensive Planning Committee is holding this item on its Agenda. Administration has made recommendations relative to revisions to the Residential-30 zoning classification by introducing performance standards and requiring a special use permit before development could occur in Residential-30 zoning, when the development will exceed 20 residential units per acre or the property involved is over 8,000 square feet. It is the Committee's intent to move in this direction and the Committee would like authority to direct staff to move forward with the revisions to the Residential-30 zoning classification with the understanding that this zoning case would be held until action is taken on the Residential-30 revisions. On behalf of the Committee, Ms. Babb moved the recommendation be upheld. Her motion was seconded by Mrs. Cates.

Mr. Walters indicated this is a very unusual procedure pointing out it seems improper to hold something as long as this zoning case has been held. Ms. Babb indicated what the Committee was faced with is a practical consideration. She indicated there was sort of a consensus of the Committee to deny this petition but this would then leave the community without adequate protection. She stated she felt it was the intent of the Committee to deny the zoning petition, however, they did not want to recommend denial until this protection is in place. She indicated the options were to approve the case. Mrs. Cates indicated she didn't realize that it was the consensus of the Committee to take action to deny the case. She thought it was the intent of the Committee to hold the item until the performance standards for Residential-30 is worked out and then look at the petition. Mr. Walters indicated, in his opinion, it is very unfair to use a zoning case to prevent something from happening. He stated, in his opinion, the zoning case should be denied and he had said that since the day it was referred to Committee. He stated what we are doing here is holding a zoning case over the people's head so they can't do anything in their community with Ms. Babb indicating she did not feel that was accurate. She stated this neighborhood has been deeply divided and there are people who feel that they would not have any protection unless this rezoning case is approved, however, she personally did not feel that she could support that feeling. She stated, however, at the same time she did not believe that she could vote to deny this case and leave the people without any protection. She stated there were strong feelings and desires on both sides and the Committee was just trying to address all issues. Lengthy discussion took place with Mayor Upchurch indicating the Chair would rule that the motion as outlined by Ms. Babb is the only action that is being considered and the other comments did not relate to the motion on the floor. The motion was put to a vote which passed with all members voting in the affirmative except Mr. Walters who voted in the negative.

Mr. Walters questioned how long the Committee plans to hold this item questioning if we do not have some criteria as to how long a case could be in committee. Mayor Upchurch ruled the dialogue out of order pointing out it is not pertinent with Mr. Walters indicating he just wanted his question answered. Mayor Upchurch indicated if the Council wanted to overrule his decision that the discussion is pertinent, then any Council Member could make a motion. Mr. Walters moved that the Council discuss this item as he feels that his question is pertinent and he would like authority for the City Council to discuss that. His motion was seconded by Ms. Babb and put to a vote which passed unanimously.

Ms. Babb stated she did not know how long the Committee would hold this case, that the motion was to direct staff to go ahead with developing the Residential-30 performance standards, etc., and have it go to public hearing as soon as possible and then the Committee could act on the case. Mrs. Black stated as far as she was concerned there was no rule on how long a committee could hold an item as long as the Committee was discussing it or working on it. It was pointed out that rezoning application Z-33-84 was referred to Committee January 23, 1984. After other discussion with Mr.

Walters indicating he had his question answered, therefore, he would not pursue the item any further.

REZONING Z-106-83 - LEESVILLE ROAD - PROPERTY REZONED RESIDENTIAL-6 AND CONSERVATION/BUFFER

Ms. Babb reported by split vote, the Committee recommends rezoning property covered by Application Z-106-83 to Residential-6, Residential-10, and Conservation/Buffer, according to a map included in the Council Agenda packets dated June 6, 1984, entitled "Map A." On behalf of the Committee, Ms. Babb moved the recommendation be upheld. Mr. Congleton indicated he would like to offer an amendment and that is that the property covered by application Z-106-83 be rezoned to Residential-6 and Conservation/Buffer. Ms. Babb accepted the amendment and the motion as amended was seconded by Mr. Congleton and put to a vote which resulted in all members voting in the affirmative except Mrs. Block who voted in the negative. The Mayor ruled the motion adopted.

ORDINANCE 365 ZC 140

AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF RALEIGH WHICH INCLUDES THE ZONING DISTRICT MAP

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That Section 10 of the City of Raleigh Code, which includes the Zoning District Map, be and the same is hereby amended as follows:

(a) Leesville Road, east side, between Ray Road and O'Neal Road, and adjacent to portions of Lake Lynn (west side), being Parcels 30, 33, 270, and 271, Tax Map 322, and Parcels 155, 220, D and F, Tax Map 349, rezoned to Residential-6 and Conservation/Buffer, according to map on file in the City of Raleigh Planning Department. (Z-106-83)

(b) Duraleigh Road, west side, between Crabtree Creek and U.S. 70 West (Glenwood Avenue), being Parcels 7 and 40, Tax Map 376, approximately 138 acres rezoned to Office and Institution-I, Office and Institution-III, Residential-10, Residential-6 and Residential-15 according to map on file in the City of Raleigh Planning Department. (Some of the zoning boundaries are relocated in order to accommodate a north-south collector street according to map on file in the Planning Department drawn by Murphy and Associates, dated March 30, 1984). (Z-59-84)

(c) Duraleigh Road, west side, between Crabtree Creek and U.S. 70 West (Glenwood Avenue), being Parcel 10A, Tax Map 376, approximately 1.6 acres rezoned to Residential-10. (Z-60-84)

(d) North Hills Drive, east side, between Wintergreen Drive and the proposed extension of Millbrook Road, being Parcel 13, Tax Map 379, approximately 3.7 acres rezoned to Residential-6. (Z-63-84)

Section 2. That all laws and clauses of laws in conflict herewith are hereby repealed to the extent of such conflict.

Section 3. That this ordinance shall become effective June 19, 1984.

Adopted: 6/19/84

Effective: 6/19/84

NORTHWEST DISTRICT PLAN - INFORMATION RECEIVED

Ms. Babb reported as a matter of information, comments were received from the Comprehensive Planning Advisory Group and several others on the Northwest District Plan. The item is being held in Committee as it continues through the process. The item was received without comment.

COMPREHENSIVE PLAN WORK PROGRAM - INFORMATION RECEIVED

Ms. Babb reported the Comprehensive Planning Committee received a revised schedule for completing the district plan updates of the Comprehensive Plan. (Copy included in Agenda packets.) The Committee asked that a proposal be made to update the Parks and Recreation element of the Comprehensive Plan. On behalf of the Committee, Ms. Babb moved the recommendation be upheld. Her motion was seconded by Mr. Congleton and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

REPORT AND RECOMMENDATION OF THE REAL ESTATE COMMITTEE

COMMUNITY DEVELOPMENT - VARIOUS RECOMMENDATIONS - APPROVED

Mr. Walters indicated during the June 14 Real Estate Committee meeting the following recommendations were made:

I. That the fair market acquisition values on the following parcels be approved as shown on the attached sheets.

A.	500 E. Martin Street	$12,150.00
B.	400 E. Martin Street	$40,000.00
C.	415 E. Hargett Street	$34,300.00
D.	411-413 E. Morgan Street	$39,700.00

II. That the fair market disposition values on the following parcels be approved as shown on the attached sheets.

A.	505, 507, 509 E. Davie Street	$ 6,350.00
B.	413-413½ Watson Street	$ 1,300.00
C.	800, 802 E. Davie Street	$ 6,450.00
D.	520 S. Haywood Street 579, 583, 585, 587 East Lenoir Street	$15,000.00

III. That the offers to purchase on the following parcels be approved as shown on the attached sheets.

A.	514 E. Martin Street	$ 2,050.00
B.	417 Alston Street	$ 4,557.83

IV. That resolutions of condemnation be adopted on the following parcels to establish values as recommended by CDBG attorney.

A.	416 E. Morgan Street	$19,800.00
B.	116 S. East Street	$10,000.00
C.	118 S. East Street	$10,000.00
D.	604 E. Davie Street	$ 8,400.00
E.	606 E. Davie Street	$ 8,400.00
F.	608 E. Davie Street	$ 6,600.00
G.	610 E. Davie Street	$ 8,600.00
H.	709 S. Person Street	$ 7,100.00

V. That the modification of approved fair market value be approved on the following parcel:

A.	402 E. Davie Street	$16,275.00

On behalf of the Committee, Mr. Walters moved the recommendation be upheld. His motion was seconded by Mr. Keller and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

THOROUGHFARE CONFLICT - BATTERY HEIGHTS SUBDIVISION - CITY TO ACQUIRE THE PROPERTY

Mr. Walters indicated the Real Estate Committee recommends that a building permit be denied on Lot 296 in Battery Heights Subdivision owned by Bobby L. Banks and that the lot be acquired by the City as future right-of-way for the Raleigh Boulevard corridor. On behalf of the Committee, he moved the recommendation be upheld. His motion was seconded by Mrs. Cates and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

SURPLUS PROPERTY - LOT 9, EAST LANE STREET - TO BE SOLD

Chairman Walters indicated the Real Estate Committee recommends that Lot 9 in the 700 block of East Lane Street be offered for sale at a minimum bid of $9,500. On behalf of the Committee, he moved the recommendation be upheld. His motion was seconded by Mrs. Block and put to a vote which resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

REAL ESTATE - 609 BAILEY DRIVE - TO BE ACCEPTED IN LIEU OF ASSESSMENTS

Mr. Walters indicated the Real Estate Committee recommends that the lot at 609 Bailey Drive owned by L. T. Covington be accepted by dedication in lieu of payment by the owner of outstanding assessments against it. On behalf of the Committee, he moved the recommendation be upheld. His motion was seconded by Mrs. Block and put to a vote which resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

THOROUGHFARE CONFLICT - MILLBROOK ROAD - NO ACTION TAKEN

Mr. Walters indicated the Real Estate Committee recommends that the item concerning the Millbrook Road thoroughfare conflict be reported out with no action taken. On behalf of the Committee, he moved the recommendation be upheld. His motion was seconded by Mrs. Block. Mr. Congleton asked for elaboration on this item. City Manager Benton indicated the lot in question is dissected by the future extension of Millbrook Road. He stated the City has done some work in this area as to where the road will go in context of the spillway, lake, etc. and there is an effect on this particular lot, however the roads will go through the particular lot in such a way that approximately .8 acre will be left for construction of a house and the gentleman seemed to be satisfied. He indicated the lot in question is oriented North-South to the west of Millbrook Extension and there will be buildable property to the north of Millbrook Extension. The motion as stated was put to a vote and passed unanimously. The Mayor ruled the motion adopted.

REPORT AND RECOMMENDATION OF THE TELECOMMUNICATIONS COMMISSION

TELECOMMUNICATIONS COMMISSION - ANNUAL REPORT - RECEIVED

Paul Vandergrift, Chairman of the Telecommunications Commission, along with Joan Barron and John Cameron were at the meeting to present the annual report. Mr. Vandergrift presented Council Members with a copy of the annual report indicating that construction appears to be on schedule, the annual budget has been presented to the Council and the bylaws are being prepared and will be presented to the Council shortly. He indicated, hopefully, they have resolved the cable-ready issue. He stated the Access Studio is being planned and, hopefully, will be in operation by the first of 1985. He stated he feels the Commission is well under way and feel they have a very cordial and meaningful working relationship with Cablevision of Raleigh. He stated he would be glad to answer questions concerning the annual report.

Mayor Upchurch indicated Mr. Vandergrift had stated that the construction "appears to be on schedule" and questioned if they could be a little more specific with Mr. Congleton asking if June 21 is not the next deadline. Cable Administrator Thomas indicated the best that the City can determine that Cablevision of Raleigh is on schedule with their construction and they will meet the next deadline. Mrs. Cates expressed appreciation to the Telecommunications Commission pointing out she gets many calls about Cablevision and she is very glad to have the Telecommunications Commission and the Cable Administrator to refer these calls to. She expressed appreciation to the Commission Members for their work. The report was received without further comment or action.

REPORT AND RECOMMENDATION OF THE DOWNTOWN COMMITTEE

YORK-HANNOVER BUILDING - ADDRESS DESIGNATED

Mayor Upchurch indicated the Downtown Committee recommends that the name and address of the York-Hannover building be designated as "One Hannover Square, Fayetteville Street Mall." On behalf of the Committee, he moved the recommendation be upheld. His motion was seconded by Mr. Keller and put to a vote which resulted in all members voting in the affirmative. The Mayor ruled the motion adopted pointing out that several Council Members attended the ground breaking for this building earlier today.

TEXT CHANGE 265 - SPECIAL HIGH DENSITY RESIDENTIAL AND TEXT CHANGE 266 - CONVERSION OF NON-RESIDENTIAL BUILDINGS

Council Members received in their Agenda packets proposed ordinances which are recommended for adoption. These ordinances include amendments made by the Downtown Committee relating to reduction of required open space and increased parking space requirements. Mayor Upchurch moved the recommendation be upheld. His motion was seconded by Mr. Keller and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

ORDINANCE NO. (1984) - 366 TC 218

A ZONING ORDINANCE TO AMEND THE SPECIAL HIGH DENSITY REGULATIONS

WHEREAS, Part Three, Article 19A, Chapter 160A of the General Statutes authorizes the City of Raleigh to regulate residential density, heights of buildings, off-street parking, and open spaces; and

WHEREAS, the City of Raleigh to encourage: better utilization of urban mass transit and utilities; greater proximity for the home and work place; more residential development in its downtown has enacted special high density regulations; and

WHEREAS, the existing minimum lot size and maximum lot coverage are not responsive to different intensities of residential development; and

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF RALEIGH, NORTH CAROLINA, that:

Section 1. Section 10-2031 of the Raleigh City Code is hereby amended to add immediately after the words "except that" the following language: "in the Residential-30 district only,".

Section 2. The table entitled, "Yard Requirements and Density Standards According to Zoning Districts referred to in Section 10-2063(a) and appearing on pages 10-41 and 10-42 of the Raleigh City Code Supplement No. 10, 1-84, is hereby amended to add immediately at the beginning of the first note following the table the following language: "Except in the special high density residential area,". Said table is further amended to delete the second note in its entirety.

Section 3. Subsection 10-2064(a)(6) of the Raleigh City Code, relating to maximum heights of buildings in the special high density residential area, is repealed in its entirety, rewritten, and re-enacted to read as follows:

"(6) In the office and Institution-II District, there shall be no height limits (plan approval required).".

Section 4. Subsection 10-2072(a) of the Raleigh City Code is hereby repealed in its entirety, rewritten, and re-enacted to read as follows:

"(a) Special high density residential area. In order to encourage the development of intensive residential uses within and surrounding the central district, for the purpose of: (i) providing living areas in close proximity to the greatest concentration of working population; (ii) reducing daily commuter congestion at peak hours; (iii) assisting in supporting downtown commercial development within that area. There is established a special high density residential zoning district. The special high density residential zoning district overlays or overlaps other zoning districts. It encompasses that area beginning at the centerline intersections of East Street and Hargett Street, east along the centerline of East Hargett Street to Swain Street centerline, then south along the centerline of Swain Street to East Martin Street centerline, west along the centerline of East Martin Street back to East Street centerline, East Street centerline to South Street centerline, South Street centerline to West Street centerline, West Street centerline to Hargett Street centerline, Hargett Street centerline to Boylan Avenue centerline, south on Boylan Avenue to the north right-of-way line of the Seaboard-Southern Railway, west along said right-of-way line 341 feet, more or less to a point, said point being a common corner between Lots 6 and 7 of City Block D-6, Wake County Tax Map 551, thence north on the common line between said lot 222 feet, more or less to the center line of intersection of Hargett Street and St. Mary's Street, continuing north on St. Mary's Street centerline to Peace Street centerline intersection continuing along Peace Street centerline to intersection with Person Street, then south along the centerline of Person Street to the intersection of said centerline and the north property line extended of Lot 3, Block A-75, Wake County Tax Map 552, east along the property line extended of Lot 3, Block A-75, Wake County Tax Map 552 to the intersection of said property line extended and the west property line of Lot 12, Block A-75, Wake County Tax Map 552, south along the west property line of Lot 12, Block A-75, Wake County Tax Map 552 to the intersection of said property line and the south property line of Lot 12, Block A-75, Wake County Tax Map 552, east along the south property line of Lot 12, Block A-75, Wake County Tax Map 552 to the intersection of said property line and the west property line of Lot 13, Block A-75, Wake County Tax Map 552, south along the west property line of Lot 13, Block A-75, Wake County Tax Map 552 to the intersection of said property line and the south property line of Lot 13, Block A-75, Wake County Tax Map 552, east along the south property line of Lot 13, Block A-75, Wake County Tax Map 552 to the intersection of said property line and the west property line of Lot 14, Block A-75, Wake County Tax Map 552 south along the west property line extended of Lot 14, Block A-75, Wake County Tax Map 552 to the intersection of said property line and the south property line of Lot 15, Block A-75, Wake County Tax Map 552, east along the south property line of Lot 15, Block A-75, Wake County Tax Map 552 to the intersection of said property line and the centerline of North Bloodworth Street, south along the centerline of North Bloodworth Street to the intersection of said centerline and the south property line extended of Lot 2, Block A-74, Wake County Tax Map 552, east along the south property line extended of Lot 2, Block A-74, Wake County Tax Map 552, 170 feet, more or less to the intersection of said property line extended and the east property line of Lot 2, Block A-74, Wake County Tax Map 552, north along the east property line of Lot 2, Block A-74, Wake County Tax Map 552 to the intersection of said property line and the south property line of Lot 15, Block A-74, Wake County Tax Map 552, east along the south property line of Lot 15, Block A-74, Wake County Tax Map 552 to the intersection of said property line extended and the centerline of East Street south along the centerline of East Street to point of beginning.

A map showing the boundaries of the special high density residential zone is on file in the Planning Department.

Within the special high density residential district, densities for multifamily dwellings; townhouse developments; cluster developments; condominium unit ownership projects; grouped residential developments;

and any other residential developments which exceed the maximum allowable density of residential development established by the underlying district are only allowed pursuant to a detailed site plan and building plans approved by the City Council while issuing a special use permit. Such residential developments may also include any of the accessory or other uses allowed within them by the underlying district or districts. All of the other uses which are allowed by the underlying district or districts are unaffected by the regulations in this section.

(1) The following standards shall apply to any increase in residential densities greater than that allowed by the underlying district or districts:

a. The minimum open space provided on site shall be the greater of twenty (20) percent of the total land area of the development or one hundred fifty (150) square feet per dwelling unit. But in no case shall the minimum open space required herein exceed 435.6 square feet per dwelling unit. In no case shall less than ten (10) percent of the total land area of the development be devoted to common outdoor open space accessible to all residents. For the purposes of this subsection open space shall include any: common outdoor landscaped and recreation spaces (excluding those for drives and vehicular use), outdoor balconies; decks; and roof gardens, indoor recreational areas, central lobbies, meeting rooms, and other similar indoor community space accessible to and available for use by the residents.

b. A minimum of one (1) off-street parking space per unit shall be provided, with the exception that units occupied by persons sixty-two (62) years and older shall provide a minimum of one-half (½) off-street space per unit, in accordance with Section 10-2061. No more than two parking spaces per dwelling unit shall be located on the site.

(2) Residential densities in excess of forty dwelling units per acre shall also comply with the addition standards provided below:

a. On-site open space in excess of the minimum standard set forth in 10-2072(a)(1)a, above, is provided on the basis of at least an additional fifty (50) square feet per dwelling unit.

b. The development contains on-site a minimum of fifty (50) square feet per dwelling unit of service or retail facilities to serve the residents; such facilities may include drug stores, convenience goods, medical and dental offices, and day-care centers. No service or retail facility may be located on the site unless it is permitted by the underlying zoning district.

Cross-Reference: Accessory uses for special use exceptions in residential zoning districts, §10-2026(f).

c. Either a minimum of fifty (50) percent of the development's dwelling units are reserved for the elderly or between twenty and thirty percent of the development's residential units are reserved for low and moderate incomes, all in accordance with regulations of the Unites States Department of Housing and Urban Development.

d. The proposed development is either immediately adjacent to or directly opposite from Moore Square, Nash Square or the Downtown Mall as defined in Section 9-7002(a) of this code.

For each standard which is entirely met, the development shall be allowed an increase in residential density of forty dwelling units per acre. The total number of dwelling units contained in the development, however, shall not exceed one hundred and sixty (160) units per acre.

(3) No increase in residential density greater than that permitted by the underlying zoning district shall be allowed unless a special use permit following an evidentiary hearing is issued by the City Council. No special use permit shall be issued unless the Council finds that:

a. The site plan meets the applicable standards above; and

b. The site plan promotes downtown revitalization; and

c. The site plan provides adequate air and light to the development and surrounding properties; and

d. The site plan adequately protects residents of the development and surrounding properties from adverse effects; and

e. The site plan provides for safe traffic and pedestrian movements; and

f. The exterior architectural features shown on the site plan are congruous with surrounding properties; and

g. The non-residential uses shown on the site plan, if any, are compatible with the residential character of the development; and

h. The site plan meets all applicable requirements of this code, and if there are conflicts between code provisions, the more restrictive shall apply; and

i. The site plan meets all development criteria established by City Council adopted plans such as Redevelopment Plans and the Comprehensive Plan; and if there are conflicts between plans and code provisions, the more restrictive shall apply.

After approval of a special use permit, a copy of the approved site plan shall be filed with the Department of Inspections, and no building permit shall be issued except in conformity with the plan.".

Section 5. Subsections 10-2075(e), 10-2075.1(e) and 10-3071(b)(6) of the Raleigh City Code are hereby amended to add at the end of the subsections two new sentences which shall read as follows: "In only the special high density residential area, which is described in Section 10-2072(a), open space may include: outdoor balconies; decks; and roof gardens, and indoor recreational areas, central lobbies, meeting rooms, and other similar indoor community space available for use by the residents, provided that at least ten (10) percent of the total land area of the development is devoted to common outdoor open spaces or park areas available and accessible to all residents. Development which obtain from the City Council a special use permit for either higher residential densities in the special high density area or conversion projects in the business district, shall be exempt from the requirements herein but they shall comply with the applicable open space standards in 10-2072(a) or 10-2072(e).".

Section 6. This ordinance has been adopted following a duly advertised joint public hearing of the Raleigh City Council and the City Planning Commission following a recommendation of the Planning Commission.

Section 7. All ordinances and clauses in conflict herewith are hereby repealed to the extent of said conflict.

Section 8. If this ordinance or application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or application of the ordinance which can be given separate effect and to this end the provisions of this ordinance are declared to be severable.

Section 9. This ordinance shall be enforced as provided in N.C.G.S. 160A-175 or as provided in the Raleigh City Code.

Section 10. This ordinance shall become effective five (5) days following its adoption.

Adopted: 6/19/94

Effective: 6/24/84

ORDINANCE NO. (1984) - 367 TC 219

AN ORDINANCE TO ALLOW THE CONVERSION OF NON-RESIDENTIAL BUILDINGS TO RESIDENTIAL USES IN THE BUSINESS DISTRICT.

WHEREAS, G. S. 160A-381 authorizes the City Council to issue special use permits; and

WHEREAS, the Raleigh City Council finds that although the business zoning district permits both residential and non-residential uses, it has been developed for non-residential; and

WHEREAS, the Raleigh City Council finds that property values will be enhanced, the vitality of the business district will be improved, the value of buildings will be conserved, and the utilization of existing public facilities will be increased if non-residential buildings can be converted to residential uses.

WHEREAS, the Raleigh City Council finds that allowing higher densities in the business district will encourage the conversion of non-residential buildings.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF RALEIGH, NORTH CAROLINA, that:

Section 1. Section 10-2045(1) of the Raleigh City Code is hereby amended to add a new subsection, 10-2045(1)f, which shall read as follows:

"f. Conversions of non-residential buildings to residential densities greater than ten (10) dwelling units per acre subject to a special use permit being granted by the City Council pursuant to Section 10-2072(e).".

Section 2. Section 10-2072 of the Raleigh City Code is amended to add a new subsection, 10-2072(e), and it shall read as follows:

"(e) Conversion projects. Following an evidentiary hearing, conversion of non-residential buildings to residential use shall be allowed in the business zoning district whenever the City Council finds that:

(1) The residential density for the project is no less than eleven (11) and no more than one-hundred and sixty (160) dwelling units per acre; and

(2) Each dwelling unit contains a floor area of at least five hundred (500) square feet; and

(3) Projects with more than eight dwelling units per building provide on the site the greater of twenty (20) percent of the total land area of the development or one hundred fifty (150) square feet per dwelling unit for open space. But in no case shall the minimum open space required herein exceed 435.6 square feet per unit. In no case, shall less than ten (10) percent of the total land area of the development be devoted to outdoor open space. For the purposes of this subsection open space shall include any: common outdoor landscaped and recreation spaces, (excluding those for drives and vehicular use), outdoor balconies; decks; and roof gardens, indoor recreational areas, central lobbies, meeting rooms, and other similar indoor community spaces accessible to and available for use by the residents. No open space shall be required for conversion projects of eight or less dwelling units per building; and

(4) Projects with more than eight dwelling units per building provide in the manner described in Section 10-2061 at least one (1) off-street parking spaces per dwelling unit with the exception that units occupied by persons sixty-two (62) years and older provide a minimum of one-half (½) space per unit. No more than two parking spaces per dwelling unit shall be permitted on the site; and

(5) The project promotes downtown revitalization; and

(6) The project provides adequate air and light to the development and surrounding properties; and

(7) The project adequately protects residents of the development and surrounding properties from adverse effects; and

(8) The project provides for safe traffic and pedestrian movements; and

(9) Changes to exterior architectural features are congruous with surrounding properties; and

(10) The non-residential uses contained on the site, if any, are compatible with the residential character of the project; and

(11) The project meets all applicable requirements of this code, and if there are conflicts between code provisions, the more restrictive shall apply; and

(12) The project meets all development criteria established by City Council adopted plans such as Redevelopment Plans and the Comprehensive Plan; and if there are conflicts between plans and code provisions, the more restrictive shall apply.".

Section 3. All ordinances and clauses in conflict herewith are hereby repealed to the extent of said conflict.

Section 4. If this ordinance or application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or application of the ordinance which can be given separate effect and to this end the provisions of this ordinance are declared to be severable.

Section 5. This ordinance shall be enforced as provided in N.C.G.S. 160A-175 or as provided in the Raleigh City Code.

Section 6. This ordinance shall become effective five (5) days following its adoption.

Section 7. This ordinance has been adopted following a duly advertised joint public hearing of the Raleigh City Council and the City Planning Commission following a recommendation of the Planning Commission.

Adopted: 6/19/84

Effective: 6/24/84

FIRE DISTRICT ORDINANCE - ADOPTED

Council Members receive in their Agenda packets, a proposed ordinance to permit the erection of wood frame structures for residential dwelling use and the moving of wood frame buildings within the Raleigh Secondary Fire District and repair and alteration of wood frame structures. The Committee recommends adoption of the ordinance as included in the Agenda packet. Mayor Upchurch moved adopted as recommended. His motion was seconded by Mr. Keller and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

ORDINANCE NO. (1984) - 368

AN ORDINANCE TO PERMIT THE ERECTION OF WOOD FRAME STRUCTURES FOR RESIDENTIAL DWELLING USE AND THE MOVING OF WOOD FRAME BUILDINGS WITHIN THE RALEIGH SECONDARY FIRE DISTRICT AND THE REPAIR AND ALTERATION OF WOOD FRAME STRUCTURES IN THE FIRE DISTRICTS

WHEREAS, North Carolina General Statutes Section 160A-436 requires each city in the State of North Carolina to designate a primary fire district within which the North Carolina State Building Code mandates certain construction requirements to minimize the threat of conflagration due to the spread of fire from building to building;

WHEREAS, Section 160A-436 of the North Carolina General Statutes gives each city the option of establishing one or more secondary fire districts, with the intention of providing for construction requirements to minimize the threat of conflagration due to the spread of fire from building to building in the secondary fire district area which is generally somewhat less densely developed than the primary fire district;

WHEREAS, Section 160A-437 of the North Carolina General Statutes and Section 302.5 of the North Carolina State Building Code provide for statutory and building code requirements in the secondary fire districts similar to those in the primary fire districts, including the prohibition of the erection, repair, alteration and moving of wood frame structures in the secondary fire district unless the city establishes rules and regulations by ordinance for fire protective measures in wood frame structures erected or moved in the secondary fire district or repaired or altered in the fire districts;

WHEREAS, the City of Raleigh has established a primary fire district with secondary fire districts around the perimeter of that primary fire district, as amended;

WHEREAS, the City of Raleigh has not adopted an ordinance providing for rules and regulations for the erection and moving of wood frame structures in the secondary fire districts as permitted by Section 160A-437 of the North Carolina General Statutes;

WHEREAS, it is the objective of the City of Raleigh to encourage new residential development in the downtown area including within the secondary fire districts;

WHEREAS, the Raleigh City Council finds that low and medium density residential structures are generally built of wood frame construction and the present prohibitions against wood frame construction increase housing construction costs and retard residential development;

WHEREAS, the Raleigh City Council finds that wood frame construction built in accordance with these regulations will not create a fire hazard; and

WHEREAS, the Raleigh City Council finds that many wood frame structures in the Fire Districts are desirable and feasible to retain through repair and alteration, and that the regulated repair and alteration of those structures will not create a fire hazard.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH, NORTH CAROLINA:

Section 1. That Section 5-2044(c) of the Raleigh City Code is hereby repealed and in lieu thereof the following is written and enacted:

"(c) Erecting, moving, repairing, and altering of wood frame structures in the fire districts.

(1) New wood frame residential construction.

Within the secondary fire districts, wood frame (or Type VI as defined by Section 604 of the North Carolina State Building Code, hereinafter referred to as the "Building Code,") buildings or additions may be erected for residential dwellings only provided that such structures shall be equipped with a National Fire Protection Association, hereinafter referred to as "NFPA", 13D, as amended, fire sprinkler system and a central smoke detection alarm system which shall include a central emergency communications panel with the capability of transmitting both an automatic or a manual alarm to an approved signal monitoring service and which shall be installed in accordance with NFPA guidelines. In addition to the requirements of NFPA 13D, as amended, all such sprinkler systems shall include: (1) a local water flow alarm audible outside the building; (2) an approved outdoor fire department fire hose connection connected to the sprinkler service between the point at which the fire sprinkler line leaves the domestic line and the sprinkler heads; (3) an internally loaded double check valve between the fire department fire hose connection and the point at which the fire sprinkler line leaves the domestic line; (4) an individual cut-off valve for each unit; (5) insulation to prevent the freezing of piping and sprinkler system accessories located in non-heated areas without the use of chemicals; (6) a visible pressure gauge on the sprinkler supply within each unit on the system; (7) individual drain valves for each residential unit on the system. All such equipment shall be labeled and listed by a nationally recognized testing laboratory and provisions must be made for the maintenance of the systems. Such systems shall be properly engineered by a North Carolina Registered Engineer and sealed drawings shall be submitted to the Inspections Department and the Fire Department prior to the installation of the system. Further provided, that any wall of any such wood frame residential dwellings shall be a fire wall unless either it faces the right-of-way or it is five feet or more from any property line and ten feet from any wall of any other building.

All portions of any new wood frame dwelling constructed in the secondary fire districts after the adoption of this ordinance shall be located not more than two hundred twenty-five feet, hose distance, from a fire hydrant accessible to a fire pumper truck.

No new wood frame structure may be constructed for non-residential use, nor may any wood frame structure constructed after the adoption of this ordinance be converted to any nonresidential use. For the purposes of this section, nonresidential use includes without limitation, hotels, motels, group care facilities, equivalent dwelling units referred to in Section 10-2002 of this code, and all accessory uses listed in 10-2026(f)(1)(i)(iii).

(2) Moving wood frame structures.

Wood frame structures already located in the primary or secondary fire districts may be moved into or within the secondary fire districts provided the building conforms to the City Zoning Ordinance.

Notwithstanding the preceding paragraph, wood frame structures designated pursuant to Section 10-2033 of this code as historic properties and located outside the fire districts may be moved into areas located within both an historic district pursuant to Section 10-2049 of this code and the secondary fire districts for Residential, Business, Merchantile, or Public Display use only, provided that an NFPA 13D, as amended, sprinkler system and a central smoke detection alarm system are installed in accordance with c(1) above. State designated historic properties may be moved as provided in Section 1009 of the North Carolina State Building Code.

Other wood frame structures not located in the primary or secondary fire districts may be moved into the secondary fire districts for residential dwelling uses only subject to the requirements of c(1) above; no such wood frame structure moved into the secondary fire districts may thereafter be converted to any non-residential use.

All structures moved into or within the secondary fire districts are subject to the requirements of c(3) below, as applicable.

(3) Repairs and alterations to and changes of use within wood frame structures.

Within the primary or secondary fire districts, wood frame structures may be repaired or altered in accordance with these provisions provided that any proposed repair or alteration is approved by the Inspections Director following the written recommendation of the Fire Marshal, and further provided that in the primary fire district only, the proposed repair or alteration is approved by the North Carolina

Commissioner of Insurance, each of whom, as applicable, shall determine that said repair or alteration will not contribute to an increased fire hazard in the fire districts. In the primary fire districts, said determination by the Inspections Director and Fire Marshal shall also be pursuant to guidelines adopted by the Raleigh City Council on October 17, 1978, a copy of which shall be on file in the City Clerk's Office.

Any change in use to residential use or any renovation or alteration to any wood frame dwelling in excess of fifty percent (50%) of the value of the structure within any twelve (12) month period shall be subject to the alarm and sprinkler requirements of c(1) above.

Other wood frame buildings in the fire districts may be repaired or altered for Business, Mercantile, or Public Display use only, as defined in the Building Code. Any such structure changed in use, not otherwise prohibited, to Business, Mercantile or Public Display use shall be equipped with a central smoke detection alarm system which shall include a central emergency communications panel with the capability of transmitting both an automatic or a manual alarm to an approved signal monitoring service and which shall be installed in accordance with NFPA guidelines. Provided further that any such wood frame building repaired or altered in excess of fifty percent (50%) of the value of the structure within any twelve (12) month period shall be equipped with an NFPA 13, as amended, sprinkler system and a central smoke detection alarm system as in c(1) above.

Except, wood frame historic properties in the fire districts may be repaired or renovated upon the approvals above, provided that when the repairs or renovations exceed fifty percent (50%) of the value of the structure within any twelve (12) month period, a central smoke detection alarm system as in c(1) above shall be installed in the structure.

(4) Applicability of other regulations.

Sections c(1) through c(3) above shall be considered supplemental to the North Carolina State Building Code and to other provisions of the City Code, all of which shall remain in full force and effect.".

Section 2. That following Sections 10-1034 and 10-6002(b), respectively, of the Raleigh City Code, the following cross reference wording is added:

"Cross reference - Limitation on alteration, erection, moving, and repair of wood frame buildings in fire districts §5-2044."

Section 3. That any laws in conflict herewith are hereby repealed to the extent of said conflict.

Section 4. That the provisions of this ordinance are severable in accordance with Section 14-1004 of the Raleigh City Code.

Section 5. That this ordinance shall be enforced as provided in North Carolina General Statutes 160A-175.

Section 6. That this ordinance shall become effective five days following its adoption.

Adopted: 6/19/84

Effective: 6/24/84

REPORT AND RECOMMENDATION OF THE WORK SESSION

BUDGET - FY 84/85 - ORDINANCE ADOPTED; RESOLUTIONS RELATING TO HEALTH CARE BENEFITS AND UTILITY RATES - ADOPTED; FUNDING OF EDUCATIONAL CENTER AT CAMP DURANT - REFERRED TO INTERGOVERNMENTAL COMMITTEE; TRANSFER RELATING TO STORM DRAINAGE STUDY - APPROVED

Council Members will receive a proposed Ordinance adopting the FY 84-85 Budget as amended. This budget ordinance would set the tax rate at $.65.

Council Members also received in their Agenda packets a resolution relating to health care benefits for retired employees which is recommended for adoption.

During Budget Work Session discussion, it was agreed to refer a matter to Intergovernmental Committee relating to funding the Educational Center at Camp Durant.

Council Members also approved a modification in the Life Insurance Program which would provide benefits based on salary level without the $35,000 limit.

Council approved a transfer of $75,000 from Council Contingency (1983-84) to a Reserve for Storm Drainage Study of Marsh and Perry Creeks.

Mr. Calloway moved that the recommendations of Work Session as outlined be upheld. His motion was seconded by Mrs. Cates and put to a roll call vote which resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

1984-85 BUDGET ORDINANCE (1984) - 369

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH, NORTH CAROLINA:

Section 1. That the following amounts are hereby appropriated for the operation of the City Government and its activities for the fiscal year beginning July 1, 1984, and ending June 30, 1985, according to the following schedules:

GENERAL FUND

Revenues:		
Property Taxes	$35,808,300	
Intergovernmental Revenues	8,252,100	
From Utility Fund for Services	1,646,088	
Rents, Fees and Misc. Revenues	7,834,312	
From Revenue Sharing Revenues	290,439	
From Sales Tax Revenues	7,387,200	
From Powell Bill Revenues	800,000	
From Fund Balance	6,230,000	
General Fund Revenue Total		$68,248,439
Expenditures:		
General Government	$25,902,088	
Civic Center	1,288,160	
Transportation	3,179,979	
Human Resources	426,790	
Finance	2,433,364	
Police	10,916,242	
Fire	7,589,706	
Public Works	9,899,204	
Parks and Recreation	6,612,906	
General Fund Expenditure Total		$68,248,439

GENERAL DEBT SERVICE FUND

Revenues:		
Special Assessments	$ 31,000	
From General Fund	3,479,250	
From Fund Balance	1,538,868	
Miscellaneous Revenues	375,000	
General Debt Service Fund Revenue Total		$ 5,424,118
General Debt Service Fund Expenditure Total		$ 5,424,118

PUBLIC UTILITY FUND

Revenues:		
User Charges	$20,369,000	
Other Miscellaneous Revenues	1,181,626	
From Fund Balance	1,223,074	
Public Utility Fund Revenue Total		$22,773,700
Expenditures:		
Administration	$ 352,383	
Water Plants and Operations	4,795,449	
Sewer Plants and Operations	5,310,774	
Meters, Warehouse and Special Appropriations	12,315,094	
Public Utility Fund Expenditure Total		$22,773,700

UTILITY DEBT SERVICE FUND

Revenues:		
From Utility Operating Fund	$ 4,923,500	
From Special Assessments	195,000	
Other Miscellaneous Revenues	300,000	
Interest Income	200,000	
From Fund Balance	2,137,069	
Utility Debt Service Fund Revenue Total		$ 7,755,569
Utility Debt Service Fund Expenditure Total		$ 7,755,569

AMUSEMENT FUND		
Revenues:		
Amusement Fees	$ 411,000	
From Generalal Fund Revenues	690,568	
Interest Income	15,000	
From Fund Balance	75,000	
Amusement Fund Revenue Total		$ 1,191,568
Amusement Fund Expenditure Total		$ 1,191,568
REVOLVING FUND		
Revenues:		
From Activity Fees and Contributions	$ 423,720	
From Fund Balance	136,840	
Revolving Fund Revenue Total		$ 560,560
Revolving Fund Expenditure Total		$ 560,560
TRANSIT FUND		
Revenues:		
From UMTA	$ 1,013,065	
From State of North Carolina	40,000	
From General Fund	911,064	
Fare Box Fees	1,196,011	
Charter Fees	155,000	
Miscellaneous Other	75,000	
Transit Fund Revenue Total		$ 3,390,140
Transit Fund Expenditure Total		$ 3,390,140
COMMUNITY DEVELOPMENT FUND		
Revenues:		
From U.S. Department of HUD	$ 1,747,650	
Program Income	305,000	
Community Development Fund Revenue Total		$ 2,052,650
Community Development Fund Expenditure Total		$ 2,052,650
PARKING FACILITIES FUND		
Revenues:		
Parking Fees	$ 200,000	
Parking Facilities Fund Revenue Total		$ 200,000
Parking Facilities Fund Expenditure Total		$ 200,000
CAPITAL PROJECTS FUNDS		
POWELL BILL		
Revenues:		
N.C. Gasoline Tax	$ 2,490,000	
Miscellaneous Other	200,000	
From Fund Balance	290,849	
Powell Bill Fund Revenue Total		$ 2,980,849
Expenditures:		
To Street Improvement Fund	$ 1,050,000	
To General Fund	800,000	
Right-of-Way	75,000	
Reimbursement Contracts	65,000	
Other	391,817	
Council Reserve	599,032	
Powell Bill Fund Expenditure Total		$ 2,980,849
SIDEWALK FUND		
Revenues:		
Miscellaneous Income	$ 25,000	
Fund Balance	121,060	
Sidewalk Fund Revenue Total		$ 146,060
Expenditures:		
Reserve for Projects	$ 66,060	
New Bern Place	80,000	
Sidewalk Fund Expenditure		$ 146,060

SALES TAX FUND

Revenues:		
From Local Option Sales Tax	$ 2,200,000	
Sales Tax Fund Revenue Total		$ 2,200,000
Expenditures:		
Reserve for Sewer Projects	$ 1,625,000	
Reserve for Street Projects	350,000	
Reserve for Housing	225,000	
Sales Tax Fund Expenditure Total		$ 2,200,000

STREET IMPROVEMENT FUND

Revenues:		
Assessments	$ 300,000	
From Powell Bill Fund	1,050,000	
Miscellaneous Other	400,000	
From Fund Balance	1,007,874	
Street Improvement Fund Revenue Total		$ 2,757,874
Expenditures:		
Council Reserve	$ 81,874	
Street Resurfacing and Paving	800,000	
Atlantic Avenue	1,187,000	
Spring Forest Road	364,000	
Industrial Access Roads	250,000	
Other Capital Projects	75,000	
Street Improvement Fund Expenditure Total		$ 2,757,874

PARK IMPROVEMENT FUND

Revenues:		
From General Fund	$ 1,221,400	
Miscellaneous Other	150,000	
From Fund Balance	1,270,486	
Park Improvement Fund Revenue Total		$ 2,641,886
Expenditures:		
Council Reserve	$ 797,886	
To Park Bond Fund	1,125,000	
Site Acquisition	300,000	
Greenway	146,000	
Maintenance Buildings and Grounds	273,000	
Park Improvement Fund Expenditure Total		$ 2,641,886

RECREATION BOND FUND

Revenues:		
From Park Improvement Fund	$ 1,125,000	
Fund Balance	551,730	
Recreation Bond Fund Revenue Total		$ 1,676,730
Expenditures:		
Miscellaneous	$ 6,730	
West Raleigh Pool	220,000	
Millbrook Pool	750,000	
Optimist Center	250,000	
Worthdale Center	250,000	
Brookhaven Park	200,000	
Recreation Bond Fund Expenditure Total		$ 1,676,730

REVENUE SHARING TRUST FUND

Revenues:		
U.S. General Revenue Sharing	$ 2,808,000	
Miscellaneous Other	400,000	
From Fund Balance	1,824,565	
Revenue Sharing Trust Fund Revenue Total		$ 5,032,565
Expenditures:		
Council Reserve	$ 387,126	
To General Fund	290,439	
Hillsborough Street	100,000	
City Market	1,700,000	
Waste Treatment Plant	1,200,000	
Street Maintenance	100,000	
Sanitary Landfill	400,000	
Telephones	120,000	
Fire Station	500,000	
New Bern Place	35,000	
Moore Square	200,000	
Revenue Sharing Trust Fund Expenditure Total		$ 5,032,565

Section 2. That there is hereby levied the following rates of tax on each one hundred dollars ($100.00) valuation of taxable property as listed for taxes as of January 1, 1984, for the purpose of raising the revenue from current year's property tax to finance the foregoing appropriations:

GENERAL FUND	$.65
TOTAL RATE PER $100 of valuation of taxable property	$.65

Such rates of tax are based on an estimated total assessed valuation of property for purposes of taxation of $5,640,000,000 and an estimated rate of collections of ninety-five percent (95%).

Section 3. That appropriations herein above authorized and made shall have the amounts of outstanding purchase orders at June 10 (rounded to nearest $5.00) added to each appropriation as it appears in order to properly account for the payment against the fiscal year in which it is paid.

Section 4. That appropriations herein above authorized and made shall have the amounts of unearned portions of contracts at June 30, 1984, (rounded to nearest $5.00) added to each appropriation as it appears in order to properly account for the payment against the fiscal year in which it is paid.

Section 5. That water and sewer rates are hereby authorized as set forth in Resolution No. 553 establishing a schedule of rates, charges and rents for water and sewer services.

Section 6. That copies of this ordinance shall be furnished to the City Clerk and to the City Finance Director to be kept on file by them for their direction in the disbursement of City funds.

Section 7. This ordinance shall become effective on July 1, 1984.

Adopted: 6/19/84

ORDINANCE NO. 363 TF 25

WHEREAS, it appears desirable and for the best interest of the City of Raleigh and its citizens that funds in the amounts hereinafter set forth heretofore appropriated as set forth in the appropriations ordinance adopted June 21, 1983, and included in the budget for the fiscal year ending June 30, 1984, be transferred from one account as permitted and authorized by the General Statutes of North Carolina, NOW, THEREFORE,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the amounts hereinafter set forth be and are hereby transferred for the purpose shown:

CODE ACCOUNT	OBJECT CLASSIFICATION	AMOUNT
From 01-2-1040-0001	C. C. Contingency	$ 75,000.00
To 01-2-1040-0305	Stormwater Management Study	75,000.00
Purpose: Funds to start stormwater drainage study - Marsh Creek/Perry Creek.		
From 01-2-1040-0001	C. C. Contingency	$ 500.00
To 01-2-5010-0265	Other Services	500.00
Purpose: To advertise in Wall Street Journal-Landfill Gas Recovery RFP.		
From 01-2-1100-0700	Energy Retro.	$ 3,000.00
To 01-2-1100-0705	Office Equipment	3,000.00
Purpose: Funding for furnishings for committee meeting room on second floor of Raleigh Municipal Building.		
From 01-2-1040-0001	Council Contingency	$ 1,300.00
To 01-2-1210-0297	Christmas Party Account	1,300.00
Purpose: Funding for extra cost associated with 1983 Employees' Christmas Party.		
From 01-2-1080-0217	Fuel for Heat	$ 5,850.00
To 01-2-1080-0100	Salaries	5,850.00
Purpose: To provide sufficient funds for salaries for balance of fiscal year.		
From 01-2-3070-0100	Salaries	$ 6,800.00
To 01-2-3010-0100	Salaries	6,800.00
Purpose: To fund additional salary expense in Accounting/Administration due to transfer of Accountant/Auditor I during the year.		
From 01-2-2000-0237	Car Rental	$ 415.00
From 01-2-2000-0265	Other Services	415.00
From 01-2-2000-0701	Office Equipment	770.00
To 01-2-2000-0100	Salaries	1,600.00
Purpose: To provide sufficient funds for salary of the SORT coordinator.		

CODE	ACCOUNT	OBJECT CLASSIFICATION	AMOUNT
From	19-2-2700-0265	Expenditures (Revolving)	$ 1,025.00
To	01-2-2000-0100	Salaries	1,025.00

Purpose: To provide sufficient funds for salary of SORT coordinator.

From	43-2-5080-0100	Contingency	$ 1,062.00
To	43-2-5010-0100	Salaries	875.00
To	43-2-5010-0101	Fringes	62.00
To	43-2-5010-0230	Vehicle M&O	75.00
To	43-2-5010-0260	Supplies	50.00

Purpose: To provide funds for Summer Clean-Up Program during FY 1983-84.

From	43-2-3080-0100	Contingency	$ 3,188.00
To	43-2-3010-0100	Salaries	2,769.00
To	43-2-3010-0101	Fringes	194.00
To	43-2-3010-0230	Vehicle M&O	175.00
To	43-2-3010-0260	Supplies	50.00

Purpose: To provide funds for continuing the Summer Clean-Up Program.

From	43-2-4030-0100	Demolition	$ 10,517.00
To	43-2-4010-0261	Indirect Cost Alo.	10,517.00

Purpose: Providing sufficient funds for carry-over increase in maximum indirect cost allocation for last fiscal year.

From	01-2-4110-0226	Repairs to Equipment	$ 295.00
From	01-2-4130-0226	Repairs to Equipment	330.00
From	01-2-4130-0255	Cleaning Supplies	1,990.00
To	01-2-4110-0233	M&O	2,615.00

Purpose: To provide operating funds for remainder of fiscal year.

From	01-2-5100-0603	Automobiles	$ 11,000.00
To	01-2-5100-0701	Office Furniture	11,000.00

Purpose: Provide 48' task lights, tackboards and letter-size drawer for employees.

From	01-2-6020-0703	Tractor Attachments	$ 7,000.00
To	01-2-6020-0702	Tractor W/Loader	7,000.00

Purpose: Combining account numbers to provide adequate funds to purchase from single account according to Bid No. 83-72 as requested by Purchasing Agent.

From	06-2-7100-0002	Contingency	$ 2,000.00
To	06-2-7010-0228	Telephone & Telegraph	2,000.00

Purpose: Supplement account for remainder of fiscal year.

From	06-2-7040-0701	Pipe & Fittings	$ 12,500.00
To	06-2-7040-0230	Motor Vehicle M&O	12,500.00

Purpose: Supplement account for remainder of fiscal year.

From	06-2-7040-0701	Pipe & Fittings	$ 9,000.00
To	06-2-7090-0100	Salaries	9,000.00

Purpose: Supplement account for remainder of fiscal year.

From	06-2-7050-0258	Chemicals & Drugs	$ 70,000.00
To	06-2-7050-0100	Salaries	70,000.00

Purpose: Same as above.

From	06-2-7100-0002	Contingency	$ 60,000.00
To	06-2-7040-0100	Salaries	60,000.00

Purpose: Same as above.

From	06-2-7100-0002	Contingency	$ 96,000.00
To	06-2-7030-0100	Salaries	96,000.00

Purpose: Same as above.

From	01-2-1040-0230	M&O Reserve	$ 28,113.00
From	01-2-1230-0230	M&O	4,000.00
From	01-2-5020-0230	M&O	80,000.00
From	01-2-5060-0230	M&O	6,000.00
From	01-2-6010-0230	M&O	7,000.00
From	01-2-6020-0230	M&O	30,000.00
From	01-2-4030-0230	M&O	7,000.00
From	01-2-6050-0230	M&O	3,000.00
To	01-2-5030-0230	M&O	165,113.00

Purpose: To fund the Sanitation fleet for operations, maintenance and repairs for remainder of fiscal year.

From	01-2-1040-0001	Contingency	$ 8,000.00
To	01-2-5050-0225	Repairs to Bldg. & Struc.	8,000.00

Purpose: Replacing carpet in Human Resources; installing windows in Council Chamber doors; modifying microphone outlets in Council Chamber.

CODE ACCOUNT	OBJECT CLASSIFICATION	AMOUNT
From 40-2-1515-0000	C. C. Plaza Improv.	$ 1,500.00
To 40-2-1520-0104	CTR Plaza Pk. Deck D	1,500.00

Purpose: For as-built utility survey in accordance with City-York Hannover contract.

Adopted: 6/19/84

RESOLUTION NO. (1984) - 553

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH

Section 1. That the following is the official schedule of rates, charges, AND rents for water and sewer utility service, revised July 1, 1984. (Reference Section 2-3001, Raleigh City Code.)

I. Retail Service

A. Water

1. Monthly Service Charges

Meter Size (Inches)	Monthly Charges Inside City Limits	Monthly Charges Outside City Limits
5/8	$ 1.34	$ 2.68
3/4	1.64	3.28
1	2.24	4.48
1 1/2	3.73	7.46
2	5.52	11.04
3	10.29	20.58
4	15.65	31.30
6	30.55	61.10
8	48.44	96.88
10	69.30	138.60

2. Consumption Charges

Consumption (CCF/Month)	Unit Rate Per CCF Inside City Limits	Unit Rate Per CCF Outside City Limits
0-500	$0.9921	$1.9842
Over 500	0.6641	1.3282

B. Sewer

1. Billing Charge $0.80/Bill

2. Consumption Charges

Water Consumption (CCF/Month)	Unit Rate Per CCF of Water Inside City Limits	Unit Rate Per CCF of Water Outside City Limits
All Usage	$0.7056	$0.8780

3. Rates (including billing charges) for residential units without metered water (per dwelling unit)

Inside City Limits	5.74/Mo. for services inclusive of Admin. costs
Outside City Limits	6.95/Mo. for services inclusive of Admin. Costs

II. Contract Service

A. Water

1. Operations and Maintenance Charges

a. Applicable to all water used	$ 0.3574/CCF
b. Surcharge applicable to water used from high level pumping system	$ 0.0344/CCF

2. Capital Charges - General Facilities

a. Applicable to all water used	$ 0.2041/CCF
b. Surcharge applicable to water used from high level pumping system	$ 0.0355/CCF

3. Capital Charges - Production Facilities applicable to capacity reserved by contractural agreement, as of July 1, 1980 $ 4,487/MGD/Month

4. Capital Charges - Production facilities applicable to capacity reserved by contractual agreement, as of July 1, 1984 — $ 7,727/MGD/Month

B. Sewer

1. O&M Charges

a. Treatment

(1) Applicable to all flow, with no allowance for BOD5 OR SS — $ 0.0770/CCF of Sewage

(2) Applicable to all BOD5 — $ 0.3401/LB OF BOD5

(3) Applicable to all SS — $ 0.0513/LB OF SS

(4) Applicable to all NH3 — $ 0.7822/LB OF NH3

b. Transportation

(1) Applicable to all flow — $ 0.0217/CCF of Sewage

2. Capital Charges

a. Treatment

(1) Applicable to capacity reserved by contractural agreement within plant facility capacity as of 1980.

Peak Reserve Flow	$266.47/MGD/Month
Average Reserve Flow	$807.11/MGD/Month

b. Transportation

(1) Applicable to capacity Reserved by contractual agreement within Neuse River outfall facility capacity as of 1980. — $21.32/MGD-Mile/Month

(2) Applicable to capacity reserved by contractual agreement within Walnut Creek outfall, from Sunnybrook Road to Neuse River outfall, facility capacity as of 1980. — $24.46/MGD-Mile/Month

(3) Applicable to capacity reserved by contractual agreement within Walnut Creek outfall, from Buck Jones to Sunnybrook Road, facility capacity as of 1980. — $28.79/MGD-Mile/Month

(4) Applicable to capacity reserved by contractual agreement within Crabtree Creek outfall, from Oak Park to old Crabtree Creek Pump Station, facility capacity as of 1980. — $14.67/MGD-Mile/Month

(5) Applicable to capacity reserved by contractual agreement within Crabtree Creek outfall, from old Crabtree Creek Pump Station, to Neuse River outfall, facility capacity as of 1980. — $26.25/MGD-Mile/Month

III. Retail Service Deposits (for customers with metered water)

Meter Size	Inside City Limits			Outside City Limits		
(Inches)	Water Only	Water & Sewer	Sewer Only	Water Only	Water & Sewer	Sewer Only
5/8	$ 8.28	$ 14.02	$ 5.74	$ 16.57	$ 23.52	$ 6.95
3/4	17.51	29.60	12.09	35.03	49.88	14.85
1	46.88	79.43	32.55	93.77	134.08	40.31
1 1/2	83.10	140.35	57.25	166.20	237.24	71.04
2	184.10	311.91	127.81	368.20	527.04	158.84

Meter Size (Inches)	Inside City Limits			Outside City Limits		
	Water Only	Water & Sewer	Sewer Only	Water Only	Water & Sewer	Sewer Only
3	771.98	1,407.82	635.84	1,543.96	2,334.96	791.00
4	1,175.80	2,235.00	1,059.20	2,351.60	3,669.40	1,317.80
6	1,522.75	2,934.75	1,412.00	3,045.50	4,802.30	1,756.80
8	2,204.74	4,322.34	2,117.60	4,409.48	7,044.28	2,634.80
10	2,889.70	5,712.90	2,823.20	5,779.40	9,292.20	3,512.80

Adopted: June 19, 1984

Effective: July 1, 1984

RESOLUTION (1984) - 554

A RESOLUTION TO PROVIDE HEALTH CARE BENEFITS TO EMPLOYEES WHO RETIRE FROM THE CITY OF RALEIGH.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH

Section 1. An employee who retires, or has retired, according to North Carolina Local Governmental Employees Retirement System requirements, or Law Enforcement Officers' Benefit and Retirement Fund requirements, with at least 15 years permanent active City employment will receive individual health care insurance paid by the City, from retirement date until reaching age 65; and

Section 2. Should an employee retire, or had been retired, on disability under provisions of North Carolina Local Governmental Employees' Retirement System or Law Enforcement Officers' Benefit and Retirement Fund, with at least five years permanent active City employment, health care insurance will be provided by the City until retiree reaches age 65; and

Section 3. Retirees who receive City paid health care insurance under Section 1 or 2 may continue dependent coverage under group plan provided premiums are paid by retired employee until retiree reaches age 65; and

Section 4. That provisions of this resolution become effective August 1, 1984.

Adopted: 6/19/84

Effective: 8/1/84

Mr. Congleton indicated he had received quite a few comments from employees, both retired and present employees, who are very pleased with the action the Council has taken on health care premiums for retired employees with Mr. Walters indicating he feels it is something that everyone appreciates. City Manager Benton indicated he would like to express appreciation to the City Council for their actions relating to the budget on behalf of the employees as he feels that the Council has approved a good wage and benefit package. Mayor Upchurch expressed appreciation to the Manager for the information supplied to the Council during the budget process. He indicated he would like to publicly say that he feels all City employees render a good service and they are appreciated.

REPORT AND RECOMMENDATION OF THE CITY MANAGER

MILLBROOK POOL DESIGN - ADMINISTRATION TO NEGOTIATE CONTRACT WITH WANG ENGINEERING COMPANY

Proposals have been received from three firms to design the pool at Millbrook Park: George Smart and Associates, Wang Engineering Company and Owen F. Smith.

Recommendation: It is recommended that Wang Engineering Company be retained, subject to Administration being able to negotiate an agreement which would then be submitted to Council for consideration. Mr. Keller moved the Manager's recommendation be upheld. His motion was seconded by Mr. Calloway.

Mr. Congleton questioned if it was felt that with the design and this engineer we would be able to have this pool open for next season with Mr. Benton indicating he could not answer that at this point; that it could be discussed with the architect during negotiations for the contract and he would bring the answer back. Mrs. Cates pointed out this is the third company that we have had to design five swimming pools and questioned if that is the best way to go and how the firms are selected. City Manager Benton indicated that Administration looks at each firm and their qualifications and select on that basis and then negotiate a fee. He indicated Wang Engineering was one of the firms that was considered for the Lake Johnson and Longview pools as well as Biltmore and Ridge Road. He indicated, in addition, Administration also considers the Council policy of trying to spread the work around where practical. The motion as stated was put to a vote which resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

POOL DESIGN CRITERIA - LAKE JOHNSON - TO BE PLACED ON JULY 3 AGENDA; LONGVIEW POOL - APPROVED

Council Members received a report in their Agenda packets which describes the anticipated criteria to be used in preparing the final design for those two pools.

Recommendation: It is recommended that Council concur with these design criteria so that final design can proceed.

City Manager Benton indicated Council Members received in the Agenda packets a proposed basic design criteria for the new pools as follows:

1. Basic Components and Sizes.

	Proposed	Ridge Road Biltmore	Optimist
a. Main Pool	25 yds. x 25 mtrs. 6,164 Sq. ft.	5,049 sq. ft.	12,309 sq. ft.
b. Wading Pool	1,000 sq. ft.	500 sq. ft.	2,625 sq. ft.
c. Diving	none	part of main pool	1,575 sq. ft.
d. Total Water Area	6,664 sq. ft.	5,549 sq. ft.	16,509 sq. ft.
e. Deck Area	15,000 sq. ft.	11,854 sq. ft.	30,279 sq. ft.
f. Building Area	3,282 sq. ft.	4,332 sq. ft.	3,215 sq. ft.

2. Pool Circulation System. A rim flow system to collect water and carry it to the filter. This consists of a concrete trench covered by an epoxy grate around the edge of the pool. Filtered water is to be returned through pipes and outlets in the bottom of the pool. Recently completed pools use a stainless steel perimeter system to collect and return water at the edges of the pool.

3. Pool Construction. Poured-in-place concrete throughout. Gunnite was used in recently completed pools.

4. Filter. Diatomaceous earth as used in recently completed pools.

5. Chemical Process. Liquid sodium hypochlorite rather than chlorine gas is proposed as a less hazardous but slightly more expensive approach.

6. Parking. The proposed parking is 61 spaces, approximately the same as that provided at recently constructed pools.

The Parks and Recreation staff and design consultant have the opinion that a good pool complex should have (1) a separate diving pool, (2) a much larger wading pool, and (3) a larger deck area to support this additional water area. In order to achieve a proper balance between amenities and budget, I suggest the following procedures to be followed in design:

1. The scope of each pool should be designed so that the estimated cost of construction is $750,000 less 10 percent contingency and less design fees.

2. Diving pools and associated deck area should be bid as an added alternative.

3. Larger wading pools should be considered if this appears to be possible after detailed cost estimates are available.

4. The size of the main pools should be reduced if cost estimates exceed the budget constraints described above.

5. The design consultant should attempt to hold costs for the building at a reasonable minimum.

6. The design consultant should pay special attention to design efficiency and cost estimating in order to provide a good facility and avoid cost overruns.

Discussion took place on the proposed criteria with City Manager Benton indicating we haven't used the two new pools enough to evaluate their efficiency and we also have to look at them from budget consideration. City Manager Benton spoke to the pool buildings pointing out some of the mechanical apparatus will be in the building which is unlike the two pools that we have just built. Mrs. Cates indicated she feels the total water area seems to be inadequate at Ridge Road and the parking lot to accommodate only sixty-one cars, she feels is inadequate. City Manager Benton indicated at Athens/Lake Johnson we would probably be able to benefit from the school parking and at Longview there is a possible opportunity to use some on-street parking at that

location. Mrs. Cates indicated she is still very interested in exploring the possibility of an Olympic size pool at Athens pointing out she feels we would be making a real mistake if that were not pursued. Mr. Walters stated these are to be small neighborhood pools that people can walk to indicating, in his opinion, it would be nice to have another Olympic size pool but these are the bond referendum pools which are to be small community pools. Mrs. Block suggested the possibility of reducing the decking or something other than the main pool. How Administration came up with the suggested criteria was discussed at length. The possibility of cutting back on decking was also discussed with Mr. Yates indicating at this point he would hesitate to cut back on the decking. He pointed out at Biltmore we have already spent some $200,000 and there is only $1,300,000 left to spend on construction costs. He pointed out there is concern as to whether we can make budget on these pools. Mrs. Block suggested that we hold this item for two weeks and place it on the next Agenda as a special item. This did not receive a second. Mrs. Cates suggested putting the Athens pool item in Public Works to explore the need and economic feasibility of an Olympic size pool at that location. That motion did not receive a second. Mrs. Cates made a substitute motion that the City Council make a field trip to look at the pools to evaluate them and look at the needs of the future pools. This motion was seconded by Mrs. Block and after brief discussion, with various Council Members indicating everyone had looked at the pools and any Council Member could go on a field trip and look at them who wanted to, the motion as stated was put to a vote which resulted in Mrs. Cates and Mrs. Block voting in the affirmative and the remaining Council Members voting in the negative. The Mayor ruled the motion defeated. Mr. Walters moved that we go with the criteria as outlined for the pool at Longview. His motion was seconded by Mr. Calloway and put to a vote which passed unanimously. The Mayor ruled the motion adopted. Mrs. Block moved that we hold action on the criteria for the pool at Athens for two weeks and place it on the next Agenda for further action. Her motion was seconded by Mr. Keller and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

LASSITER MILL SITE - AGREEMENT - APPROVED - VARIOUS ACTIONS TAKEN

City Manager Benton indicated Council Members received copies of the agreements involving the Lassiter Mill site pointing out in summary these agreements relate to the conveyance of the specified property to the City for use "solely as a public greenway", City obligates to keep the dam gates closed; City obligates to make repairs to the dam; City grants an easement for a retaining wall; and City agrees to share in cost of the pump station. Brief discussion took place relative to the cost of the pump station and the property exchange in general after which Mrs. Block moved approval of the agreements as submitted relating to the Lassiter Mill property. Her motion was seconded by Mr. Calloway and put to a roll call vote which resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

RESOLUTION NO. (1984) - 555

A RESOLUTION TO AUTHORIZE THE EXCHANGE OF CERTAIN REAL PROPERTY OWNED BY THE CITY OF RALEIGH

WHEREAS, the City of Raleigh is empowered by G.S. 160A-271 to make exchanges of City-owned property in return for property or other consideration of equal value; and

WHEREAS, the City Council has received a proposal to exchange certain real property described as Lot A containing 0.03 acres and Lot B containing 0.17 acres, for certain real property of Lassiter Mill Associates described as Lot C containing 0.311 acres. All properties are located in the vicinity of Old Lassiter Mill Road and exact locations and descriptions of all properties are available in the City of Raleigh Planning Department and are according to a map entitled, "Land Swap."

WHEREAS, after due deliberation, the City Council has concluded that the tendered offer is fair and equitable and constitutes consideration in equal value to the property being exchanged by the City.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH that:

The City of Raleigh hereby authorizes the exchange of properties outlined above and illustrated on a map on file in the City of Raleigh and finds that the exchange constitutes full and fair consideration as contemplated by G.S. 160A-271.

Adopted: 6/19/84

REPORT AND RECOMMENDATION OF THE CITY ATTORNEY

ENCROACHMENT - ONE HANNOVER SQUARE - APPROVED

City Attorney McCormick presented the shoring plan for the excavation needed to construct One Hannover Square. He stated York-Hannover would like an encroachment agreement from the City relating to the rods and shoring that will remain underground after the building is complete. He explained the encroachment needed pointing out there is an alternative encroachment relating to the connection to the Civic Center and presented an alternative plan for the encroachment of the rods and shoring pointing out he is recommending that the City Council approve whichever encroachment is necessary. Mr. Congleton moved the Attorney's recommendation be upheld. His motion was seconded by Mr. Keller and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

REPORT OF MAYOR AND COUNCIL MEMBERS

LEAGUE OF WOMEN VOTERS - CITIZENS GUIDE - CONCEPT OF FUNDING APPROVED

Mayor Upchurch indicated Council Members had received a letter from the League of Women Voters pointing out they want to publish the Citizens Guide to Raleigh - Wake County again and would like for the City to participate in the cost. He pointed out the letter does not indicate what the cost involved would be but he would suggest that the City support the League in these efforts. Mr. Congleton moved the Mayor's recommendation be upheld. His motion was seconded by Ms. Babb and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

WORK SESSION - JUNE 21 - CANCELLED

Mayor Upchurch indicated by general consensus the Work Session scheduled for Thursday, June 21, would be cancelled.

EMPLOYEE EVALUATIONS - FORM - REFERRED TO LAW AND FINANCE COMMITTEE

Mayor Upchurch requested that an item be referred to Law and Finance Committee to review and study an appropriate evaluation form for the City Council to use when evaluating the City Attorney, City Manager and City Clerk pointing out this would be used next year. Without objection, the item was so referred.

ENCROACHMENT - SANITARY SEWER WEATHERSFIELD PLACE - RELOCATION AND EASEMENT EXCHANGE APPROVED CONDITIONALLY

Mayor Upchurch indicated Attorney David Bland, a local attorney, has a situation concerning a townhouse unit at Weathersfield Place that is encroaching upon a sanitary sewer easement. He stated without objection he would like to bring that item up at today's meeting. Assistant Public Utilities Director Simmons indicated this is an encroachment of the steps of the front stoop of the townhouse unit into the sanitary sewer easement by about 8 feet. He indicated the steps are about two feet from the line in this location. He indicated Administration recommends that the Council authorize the relocation of the line and then authorize a sanitary sewer easement exchange. Mr. Upchurch indicated it looks as if it would be very expensive to relocate the line. The owner of the property indicated when the planner laid out the building, they were told it would be tight for this unit, however, when the footings were dug, they did encroach into the easement. He stated he would have no problems moving the sewer line at his expense. After brief discussion, Mrs. Block moved that the City authorize the sewer easement exchange once the line has been relocated at the builder's expense. Her motion was seconded by Mr. Calloway and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

SIGNAGE - BELTLINE - REFERRED TO ADMINISTRATION

Mr. Upchurch indicated he has had a number of comments about the signage on the Beltline and how to get on and off from the Beltline at major streets. He indicated he is speaking mainly of the northern section of the Beltline such as routing to US 64, US 1, etc. He stated, in his opinion, there should be signage all the way around the Beltline giving directions on and off for the major streets. After brief discussion, the matter was referred to Administration to work with the State.

400TH ANNIVERSARY - REFERRED TO ADMINISTRATION AND INTERGOVERNMENTAL COMMITTEE

Mayor Upchurch indicated Jim Goodwin of WRAL has talked to him relative to the possibility of WRAL hosting a party on July 11 in connection with the 400th Anniversary and the visit of the Friendship Force from England. He indicated he would like for Administration to work on this item and that Ms. Babb also had some comments.

Ms. Babb indicated she had had a few comments and concerns expressed by citizens relative to the City doing various things relating to the 400th Anniversary. She indicated she would like to refer the issue of the City of Raleigh, its role and possible activities that the City might like to initiate to the Intergovernmental Committee and ask them to work with Administration to come up with a plan. She stated she feels we should have a unified plan and observance celebrating the 400th Anniversary. Ms. Babb and Mayor Upchurch's comments were referred to Administration and the Intergovernmental Committee.

CAC'S - REVIEW OF ROLE - REFERRED TO LAW AND FINANCE COMMITTEE

Ms. Babb indicated over the past several months there has been a fair amount of discussion about the CACs, how they function, how they are not functioning, etc. She stated she has heard comments about this from all points pointing out some people feel that they are functioning well and some have concerns about how they are functioning. She stated the CACs started back in the 70s and she feels that everyone on the City Council is interested in seeing them function well. She stated the City does provide some staff support, however, there seems to still be a fair amount of dissatisfaction and lack of consensus among some and maybe it is time for the Council to clarify that and the CACs role. She pointed out the City Council did have the responsibility of the creation of the CACs and she feels the Council should have the responsibility of making them work and making them work well. She indicated to make sure that that is happening, she sees a task of basically reviewing and evaluating, maybe an assessment of the CACs, how they work, how they are charged, and what the Council needs to do to make them work more efficiently. She stated if we need to

clarify the charge, then maybe that is what needs to be done. She stated this evaluation should involve the citizens and she would request that we refer this matter to the Law and Finance Committee for study. Without objection, the item was so referred.

ZONING - INFORMATION REQUESTED

Mr. Congleton indicated he would like to ask the Clerk to make sure that any time a zoning case is on the Agenda that the Agenda backup material include the zoning maps. Without objection, it was agreed that this would occur.

CEDAR HILLS PARK - PROCEDURE TO BE REACTIVATED

Mr. Congleton indicated he is concerned about Cedar Hill Park and the need to get it moving and developed. He stated he would like to get the Master Planning Committee back at work and Administration work with getting the procedure started on this park. Without objection, the item was referred to Administration.

ZONING HEARING - WAKE COUNTY SCHOOL BOARD - SPECIAL HEARING AUTHORIZED

Mr. Walters indicated as a point of personal privilege, he would like to recognize Don d'Ambrosi representing the Wake County School System. Mr. d'Ambrosi indicated he had been working with Administration since January on a number of matters relating to the School System. He indicated one relates to Mount Vernon School. He stated he was at the meeting to ask the Council to accept a late rezoning application for that property. He stated he has the completed application along with the filing fee and he has been in touch with the adjacent property owners and does not feel there will be any problems. He stated he would like to be able to have this hearing in July. Mr. Walters indicated he feels it is a fairly routine thing but the problem is whether we can accept a late application. City Attorney McCormick indicated the City Code says two things and explained the rezoning procedure and the Code requirements. He indicated if the Council wanted to grant some relief that what he would suggest is to go ahead and accept the application in July and schedule a special hearing for the first meeting in August. He indicated that would cut off a month's time. City Attorney McCormick indicated, in addition, if it is a noncontroversial case, that the City Planning Commission could hear the case and make a recommendation on the same night and action could be taken. Mrs. Block questioned if this is something that the Board of Adjustment could not handle with City Attorney McCormick indicating he did not think the Board had that authority. Mr. d'Ambrosi indicated he had talked with the Zoning Inspector who has indicated there is no provision for the type use they want to make of the facility that the Board of Adjustment can allow. After brief discussion, Mr. Congleton moved that the City Council accept the application in July and agree to have a joint public hearing the first meeting in August to hear the case. This motion was seconded by Mr. Calloway and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

REZONING - 307 EAST EDENTON STREET - SPECIAL REZONING HEARING AUTHORIZED

Mr. Walters indicated as a point of personal privilege, he would like the Council to hear from C. B. Bagwell. It was pointed out by Mr. Bagwell's son that they had received a notice that they would have to move from their taxi stand location on Morgan Street in November or December. He stated they found a location at 307 East Edenton Street, however, it is not properly zoned. He indicated the owners now tell them that they will have to be out by August 1 so what they are requesting is a special zoning hearing or the City Council to accept their application late. Mr. Walters indicated this is a hardship and he would move that the City Council accept their application in July and have the special zoning hearing the first meeting in August. His motion was seconded by Mr. Keller and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

COMPREHENSIVE PLAN AMENDMENT - PROPOSED EXTENSION WOMANS CLUB DRIVE - PUBLIC HEARING AUTHORIZED

Mrs. Cates moved that the City Council authorize a public hearing to be held before the City Council and the Planning Commission as soon as possible to consider amending the Major Street Plan by eliminating the proposed extension of Womans Club Drive. Her motion was seconded by Mr. Upchurch and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

PARK CAPITAL IMPROVEMENT - STATUS REPORT REQUESTED

Mrs. Cates indicated she had previously requested a progress report on Park Capital Improvement Programs that have been funded but not completed. City Manager Benton indicated this information is on its way to Mrs. Cates.

HOUSING - CROSS LINK/SEABROOK DRIVE - REFERRED TO ADMINISTRATION

Mr. Calloway indicated he had had a couple of complaints about the parcel located at the intersection of Cross Link Road and Seabrook Drive. He indicated there is a large vacant parcel of land and someone is stacking up dilapidated houses. He indicated he had called the Inspections Department about the matter and the residents are concerned pointing out about a week ago there was only one house and now there are three. He stated he did not know where the old houses are coming from but would like for Administration to look into the problem. Without objection, the item was referred to Administration.

ROCK QUARRY ROAD - BIKE PATH - STATUS REPORT REQUESTED

Mr. Calloway requested Administration to provide a status report on the bikeway along Rock Quarry Road. He indicated no work has been done in the last three weeks. Without objection, the item was referred to Administration.

FLOODPLAIN PROBLEMS - CRANSTON DRIVE AND CAROLINA BUILDERS - ADMINISTRATION TO CHECK

Mrs. Block indicated she had received complaints from citizens in the Brentwood area (Cranston Drive) pointing out she understands someone is building houses on stilts and are filling in the floodplain. She indicated she had also received complaints that Carolina Builders is building in the floodplain and have filled the floodplain. She asked the Administration to check into these complaints.

INSPECTIONS DEPARTMENT - COMPLAINTS - INFORMATION RECEIVED

Mrs. Block indicated she thought she had brought up previously her concern about too many errors occurring in construction in the City. She indicated two items came up today whereby builders needed encroachments. She indicated too many permits are getting issued for things that the City does not allow and then they are caught later and end up before the Board of Adjustment. She stated she feels we need to look into this problem. City Manager Benton indicated Mrs. Block had asked for Administration to do some analysis and that will be completed shortly. He indicated the two items that came up today were not problems caused by in the City erroneously issuing the permits, that the developers had made errors in the construction. He stated the City does not do a site-by-site layout on building permits and what the Council is seeing is examples of where the City has caught errors in the construction. The information was received.

Mrs. Block indicated she had asked a couple of weeks ago about the parking lot constructed by Darryl's pointing out dumpsters have been placed adjacent to a residential neighborhood and she hadn't received a report yet. City Manager Benton indicated he had received a report and it was on its way to Council. He indicated that this was an existing parking lot and Darryl's only paved the parking lot and they are not in violation of the City Code in terms of building the parking lot. He indicated the City is working with them as it relates to complying with their landscaping ordinance but pointed out there is a grey area here as to whether they do have to comply. He stated a report will be forthcoming to Council.

CHAMBER OF COMMERCE RETREAT - INFORMATION RECEIVED

Mayor Upchurch indicated the Chamber of Commerce is holding a retreat at Grove Park Inn in Asheville. He stated it is a little expensive but he plans to attend at his own expense. He indicated the Council does have a policy relating to travel at City's expense and if any Council Member wishes to attend, everyone is invited.

PHOSPHATE BAN - INFORMATION RECEIVED

Mayor Upchurch indicated he and Mrs. Block were at a Legislative meeting earlier today relating to the phosphate ban. He indicated the Committee voted the bill out favorably and, hopefully, it will go through the house. The item was received as information.

REPORT OF CITY CLERK

MINUTES - JUNE 5 - APPROVED AS AMENDED; JUNE 7 - APPROVED AS PRESENTED

The City Clerk indicated Council Members received copies of the June 5 and June 7 Council Meeting. Mrs. Cates indicated on page 59 there was a reference to "Brandy Rogers" and this should be "Brenda Rogers". She stated, in addition, there was a reference to the YMCA Golden Oaks Program and that should be the YWCA. She stated on page 32 there was a reference to the Hymettus Woods "parking lot" and the reference should be to the park itself. With those corrections, the June 5 meeting minutes were approved and the June 7 approved as presented.

ANNEXATION - STONEHENGE - CITY CLERK TO CHECK THE SUFFICIENCY

The City Clerk indicated she had received a petition for annexation from Development Associates relating to approximately a 31-acre tract of land in the Stonehenge development. She stated the next step, if the Council so desires, would be direct the Clerk to check the sufficiency of the petition and schedule a public hearing. Mr. Congleton moved the Clerk's recommendation be upheld. His motion was seconded by Mrs. Block and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

ADJOURNMENT

There being no further business, the meeting adjourned at 4:25 p.m.

Gail G. Smith
City Clerk

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